DOCUMENT RESUME

ED 363 833 CG 026 016

TITLE	The State of Youth at Risk and the Juvenile Justice System: Prevention and Intervention. Hearing on Support for State Law Enforcement Efforts and for State Juvenile Justice Systems To Help Address the Wave of Violent Crimes among Youthful Offenders before the Subcommittee on Juvenile Justice of the Committee on the Judiciary, United States Senate, One Hundred Second Congress, Second Session (Atlanta, GA, October 21, 1992).
INSTITUTION	Congress of the U.S., Washington, D.C. Senate Committee on the Judiciary.
REPORT NO	ISBN-0-16-041627-2; Senate-Hrg-102-1137
PUB DATE	93
NOTE	85p.; Serial No. J-102-89. Portions contain small print.
AVAILABLE FROM	U.S. Government Printing Office, Superintendent of Documents, Congressional Sales Office, Washington, DC 20402.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	*Adolescents; *At Risk Persons; Child Abuse; Child Neglect; Crime; *Delinquency; Elementary Secondary Education; Hearings; Homeless People; Intervention; Juvenile Gangs; *Juvenile Justice; *Prevention; Runaways; School Role; *Youth Problems
IDENTIFIERS	*Congress 102nd

ABSTRACT

This document presents witness testimonies and prepared statements from a Senate hearing held in Atlanta, Georgia to examine the problem of crime among youth and to discuss the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. In his opening statement, Senator Fowler notes that the reauthorization puts greater emphasis on supporting efforts in schools and communities to keep youth out of trouble, to prevent crime, and to prevent gangs; addresses the children most vulnerable to the juvenile crime wave, abused and neglected children, and runaway and homeless youth; and authorizes the so-called mentoring programs in the schools designed to reach at-risk youth, keep them in school, and prevent delinquency and youth gangs. An opening statement also is included from Senator Kohl who, together with Senator Fowler, led the reauthorization bill. Testimony is included from two panels of witnesses: (1) Frederick D. Slaton, student; (2) Pat Wildman, interim director, Georgians for Children; (3) Joy A. Maxey, chairperson, Georgia Children and Youth Coordinating Council; (4) George Napper, Jr., director, State Department of Children and Youth Services; (5) Hon. Glenda H. Johnson, chief, presiding Fulton County Juvenile Court Judge; and (6) Rick McDevitt, director, Georgia Alliance for Children. Also included are charts on national arrest rates for all offenses (1979-1989) and national juvenile arrest rates by offense type for the same time period. (NB)

CG

S. HRG. 102-1137

THE STATE OF YOUTH AT RISK AND THE JUVENILE JUSTICE SYSTEM: PREVENTION AND INTERVENTION

ED 363 833

HEARING

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED SECOND CONGRESS

SECOND SESSION

ON

SUPPORT FOR STATE LAW ENFORCEMENT EFFORTS AND FOR STATE JUVENILE JUSTICE SYSTEMS, TO HELP ADDRESS THE WAVE OF VIOLENT CRIMES AMONG YOUTHFUL OFFENDERS

ATLANTA, GA

OCTOBER 21, 1992

Serial No. J-102-89

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☐ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
72-540 WASHINGTON : 1993

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-041627-2

CG026016

BEST COPY AVAILABLE

COMMITTEE ON THE JUDICIARY

JOSEPH R. BIDEN, JR., Delaware, *Chairman*

EDWARD M. KENNEDY, Massachusetts
HOWARD M. METZENBAUM, Ohio
DENNIS DECONCINI, Arizona
PATRICK J. LEAHY, Vermont
HOWELL HEFLIN, Alabama
PAUL SIMON, Illinois
HERBERT KOHL, Wisconsin

STROM THURMOND, South Carolina
ORRIN G. HATCH, Utah
ALAN K. SIMPSON, Wyoming
CHARLES E. GRASSLEY, Iowa
ARLEN SPECTER, Pennsylvania
HANK BROWN, Colorado

RONALD A. KLAIN, *Chief Counsel*
CYNTHIA C. HOGAN, *Staff Director*
THADDEUS STROM, *Minority Chief Counsel and Staff Director*

SUBCOMMITTEE ON JUVENILE JUSTICE

HERBERT KOHL, Wisconsin, *Chairman*

JOSEPH R. BIDEN, JR., Delaware
HANK BROWN, Colorado

JON LEIBOWITZ, *Chief Counsel and Staff Director*
JOHN BLISS, *Minority Chief Counsel*

CONTENTS

STATEMENT OF COMMITTEE MEMBER

	Page
Kohl, Hon. Herbert, a U.S. Senator from the State of Wisconsin	7

CHRONOLOGICAL LIST OF WITNESSES

Hon. Wyche Fowler, Jr., a U.S. Senator from the State of Georgia	1
Panel consisting of Frederick D. Slaton, student; and Pat Wildman, interim director, Georgians for Children	8
Panel consisting of Joy A. Maxey, M.D., chairperson, Georgia Children and Youth Coordinating Council; George Napper, Jr., Ph.D., director, State Department of Children and Youth Services; Hon. Glenda H. Johnson, chief, presiding Fulton County Juvenile Court Judge; and Rick McDevitt, director, Georgia Alliance for Children	29

ALPHABETICAL LIST AND MATERIAL SUBMITTED

Fowler, Hon. Wyche, Jr.:	
Testimony	1
Prepared statement	3
Johnson, Hon. Glenda H.:	
Testimony	57
Prepared statement	61
Maxey, Joy A.:	
Testimony	29
Prepared statement	34
McDevitt, Rick:	
Testimony	64
Prepared statement	67
Charts:	
National arrest rates, all offenses, 1979–89	69
National juvenile arrest rates, by offense type, 1979–89	70
Napper, George, Jr.:	
Testimony	39
Prepared statement	42
Slaton, Frederick D.:	
Testimony	8
Prepared statement	10
Wildman, Pat:	
Testimony	15
Prepared statement	18

THE STATE OF YOUTH AT RISK AND THE JUVENILE JUSTICE SYSTEM: PREVENTION AND INTERVENTION

WEDNESDAY, OCTOBER 21, 1992

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Atlanta, GA.

The subcommittee met, pursuant to notice, at 1:35 p.m., in Freedom Hall, Martin Luther King, Jr., Center, 449 Auburn Avenue, Atlanta, GA, Hon. Wyche Fowler, Jr., presiding.

Also present: Senator Kohl.

OPENING STATEMENT OF HON. WYCHE FOWLER, JR., A U.S. SENATOR FROM THE STATE OF GEORGIA

Senator FOWLER. It is certainly a pleasure for me to be home today with my fine friend and colleague, Senator Herb Kohl of Wisconsin. We are honored by his presence at our hearing, and all of us who are working to keep the young people out of the criminal justice system, Senator Kohl, owe you a great debt of gratitude.

Senator Kohl provided the leadership this year to guide through the Congress the reorganization of the Juvenile Justice and Delinquency Prevention Act of 1974. That is easy to say, the credit is his, but it is very hard to do, especially in a year when most important proposals were lost in partisanship and election year politics. It is to his credit and skill that we did accomplish the reauthorization.

Not too many years ago, as all of you know, we saw juveniles in trouble, mainly for shoplifting or some minor vandalism. Today, we see teenagers arrest[illegible] for murder and assault. The crimes are more violent and they are certainly more likely to involve the use of weapons.

This crisis, unfortunately, is not confined to any region of the country. We see it in our cities, we see it in our rural areas, our small towns, and it is undoubtedly a problem of national dimension.

Just last week, a report issued at Northeastern University in Boston found crime rates growing, even as our demographics shifted and the percentage of young people in our country declined.

In the last 6 years, between 1985 and 1991, homicide arrest rates for 17-year-olds jumped 121 percent. Homicide arrest rates among 15- and 16-year-olds have grown even faster.

Senator Kohl's legislation, passed in Congress and sent to the President for his signature, strengthens support for State law enforcement efforts and for State juvenile justice systems, to help address this wave of violent crime among youthful offenders.

More importantly, for the purpose of this hearing today, it puts greater emphasis on supporting efforts in schools and communities to keep our kids out of trouble in the first place, to prevent crime, try to prevent gangs. And these prevention programs reach—or attempt to reach—as far down as the gang recruitment efforts do, all the way down into our elementary schools.

It addresses the children most vulnerable to the juvenile crime wave, abused and neglected children, runaway and homeless youths. It recognizes the importance of keeping families together and provides programs to try to help bring these broken families back together before, again, the young people get into real trouble.

It authorizes the so-called mentoring programs in the schools, to reach at-risk youths, to keep them in school and prevent delinquency and youth gangs. This is an approach to the broader school dropout program that many communities in Georgia have already adopted successfully, and I hope to see these efforts implemented statewide.

Last, Senator Kohl and I are here to try to learn from our panel of witnesses. I guess we would all agree in our room that there is no magic solution to the youth crime problem. There is certainly no substitute for a healthy home environment and a good upbringing; but at the same time, this is a problem we cannot afford to ignore as a country. We cannot pretend it is not there and just simply hope it will go away. We have to address it head-on to prevent crime and keep our young people out of the juvenile justice system—especially true when we talk about minority youth. According to the Office of Juvenile Justice and Delinquency Prevention, on any given day, approximately 53,000 young Americans are held in juvenile justice facilities, for a total of about 700,000 children in any given year.

Of those 53,000 young Americans in detention every year, over 30,000 are minorities. The reasons for this range from minority poverty rates to evidence of unequal treatment of minorities in the system itself. Whatever the causes, we cannot afford to continue as a society where a young black male has a better chance of going to prison than he does of going to college.

Today, we are going to hear about the problems, the needs in Georgia and the efforts underway in our State to address them. And we are going to look at it with an eye to prevention.

We cannot afford to just rely on the jail solution. That route is inevitable for some of the worst offenders, but we have got to figure out a way to cut their numbers as much as we can because by the time we reach that pass, it is too late and the costs are too great.

Senator Kohl, we are very grateful for your presence, again, and welcome. Please speak as you will, and we will go to our panels.

[The prepared statement of Senator Fowler follows:]

Juvenile Justice Hearing
Senator Wyche Fowler, Jr.
October 21, 1992

It is indeed a great pleasure for me to be here in Atlanta today with my good friend and colleague Senator Herb Kohl. We are honored by his presence at our hearing, and all of us who are working to get our young people out of the criminal justice system and keep them out owe him a debt of gratitude.

Senator Kohl provided the leadership this year, when many important proposals were lost in partisanship and election year politics, to guide through the Congress -- working with members of both houses and both parties -- the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

Even as we debate the future direction of our country in this presidential election year, drugs and crime are reaching down deeper into our neighborhoods and schools to claim our children.

Once upon a time, we saw juveniles in trouble mainly for shoplifting or vandalism. Today we see teenagers arrested for serious crimes of murder and assault. The crimes are more violent, and more likely to involve the use of weapons.

This crisis is not confined to any region of the country. It spans small towns and rural areas, as well as cities. It is undoubtedly a problem of national dimensions.

Just last week, a report issued at Northeastern University in Boston found crime rates growing even as our demographics shifted and the percentage of young people in our country declined.

Between 1985 and 1991, homicide arrest rates for 17-year-olds jumped 121 percent. Homicide arrest rates among 15 and 16-year-olds have grown even faster.

The legislation passed in Congress and sent to the President for his signature strengthens support for state law enforcement efforts, and for state juvenile justice systems, to address this wave of violent crime among youthful offenders.

More importantly, for the purposes of this hearing, it puts greater emphasis on supporting efforts in schools and communities to keep kids out of trouble in the first place -- to prevent crime and prevent gangs. And these prevention programs reach as far down as gang recruitment efforts do, all the way down to our elementary schools.

It addresses the children most vulnerable to the juvenile crime wave: abused and neglected children, runaway and homeless youths. It recognizes the importance of keeping families together, and provides programs to try to help bring these broken families back together before these young people get into real trouble.

It authorizes mentoring programs in the schools, to reach at-risk youths, to keep them in school and prevent delinquency and youth gangs. This is an approach to the broader school dropout program that many communities in Georgia have already adopted successfully, and I hope to see these efforts state-wide.

There is no magic solution to this youth crime problem. And there is no substitute for a healthy home environment and a good upbringing. But, at the same time, this is a problem we cannot afford to ignore, as a nation. We cannot pretend it is not there or hope it will go away.

We have to address it head on, to prevent crime and keep our young people out of the juvenile justice system. That is especially true when we talk about minority youth. According to the Office of Juvenile Justice and Delinquency Prevention, on any given day, approximately 53,000 young Americans are held in juvenile justice facilities -- for a total of about 700,000 children in a given year.

Of those 53,000 young Americans in detention every day, over 30,000 are minority youths. The reasons for this range from minority poverty rates to evidence of disparate treatment of minorities in the juvenile justice system itself. Whatever the causes, we cannot afford to continue as a society where a young black male has a better chance of going to prison than to college.

Today, we are going to hear about the problems, the needs, in Georgia, and the efforts underway in our state to address them. We are going to look at the situation with an eye to prevention.

Because we can't afford to rely on the jail solution. That route is inevitable for some of the worst offenders, but we must cut their numbers as much as we can. Because, by the time we reach that pass, it is too late -- and the costs are too great.

It costs too much in terms of the financial resources of our state and local governments -- an average of $40,000 a year for each child who runs afoul of the system.

But that is nothing compared to the cost of failure to our young people, their families, and our communities.

OPENING STATEMENT OF HON. HERBERT KOHL, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator KOHL. Thank you, Senator Fowler.

Ladies and gentlemen, it is a pleasure for me to be here in Atlanta with Senator Fowler this afternoon. Senator Fowler, as most of you know, has been a leader in the Senate on children and youth issues.

Just 2 weeks ago, the Senate enacted a bill reauthorizing the Juvenile Justice and Delinquency Prevention Act. The bill, sponsored by Senator Fowler and myself, is now on its way to the White House and will be signed into law by the President.

Although this legislation will not solve juvenile crime problems overnight, it will help cities like Atlanta take some significant steps forward.

We know that it is most effective, in both human and fiscal terms, to help keep young people out of the justice system in the first place. Even by conservative estimates, some 700,000 juveniles enter the justice system every year. It costs close to $2 billion in State and local funds annually to confine many of these young people in facilities that are more like schools for crime than anything else.

This bill strengthens the Juvenile Justice Act by focusing more attention on delinquency prevention. The bill sets up a new section on prevention to help communities keep young people from getting into trouble in the first place. According to the National Association of Counties, fewer than half the States direct any formula grant funds toward community-based delinquency prevention programs. In fiscal year 1991, for example, Georgia was only able to target $50,000 of its formula grant funds toward such programs. And yet, over the past decade, the juvenile custody rate in this State has increased by 36 percent.

So the need for programs to keep juveniles out of trouble is great both here and nationwide. With the new prevention provisions in the bill and with people like Wyche Fowler on the Appropriations Committee, we intend to direct Federal incentive dollars your way.

The bill also sets up a new State challenge program composed of 10 goals. To encourage States to pursue them, the bill authorizes a 10-percent increase in formula grant funds per goal. Such challenge goals include setting up alternatives to incarceration to nonviolent teens, providing appropriate services for girls in the system, and establishing small, secure confinement programs for violent teens.

The bill strengthens some existing programs which will be of interest to the distinguished witnesses this afternoon. For example, it expands the existing State formula grant program, providing much needed funding to deter delinquency and violence.

The bill expands the juvenile gang prevention and intervention programs as well, providing incentives for local schools and community coalitions to get involved. And the bill improves existing programs to help provide justice for abused and neglected children—a critical component of delinquency prevention.

So we look forward to the hearing today from both panels of witnesses to see how we can work together to improve delinquency prevention efforts in this city and this State and, indeed, across the

Nation. The juvenile justice bill will not provide a magic bullet for the problems. The violent death rate for teens in Georgia increased by 10 percent in the last 5 years alone. But working together, we can take steps to reduce teen violence and crime. To do any less would seriously shortchange our youth, the families and communities they live in, and indeed, the Nation at large.

Thank you, Senator Fowler.

Senator FOWLER. Herb, thank you very much.

We welcome as our first panel two individuals who, maybe from different perspectives, are intimately involved with the state of our young people in our State. And they are going to—I have asked them to give us a personal as well as analytical look at what reality is like for many, many children in Georgia.

The first is Mr. Fred Slaton. As you can see, a young man, handsome man, born and raised in urban Atlanta. Fred has been an ambassador of sorts for many of our youth here in the city who live at risk, and as well as who have been active criminals.

Fred, why do we not start with you and then we will go to Ms. Wildman. Thank you for being here. Pull that right up close. I know you are soft-spoken, unlike us politicians. So if you come right up there, it will pick it up.

PANEL CONSISTING OF FREDERICK D. SLATON, STUDENT; AND PAT WILDMAN, INTERIM DIRECTOR, GEORGIANS FOR CHILDREN

STATEMENT OF FREDERICK D. SLATON

Mr. SLATON. Good afternoon, ladies and gentlemen.

My name is Frederick Darnelle Slaton, and I was a criminal, a youth criminal.

As Wyche Fowler has said earlier, I was one of those youth that was expected to never achieve anything. The only thing I could achieve in life was to be a graduated prisoner. The only way that I was going to make it in life was in prison, robbing and doing those sorts of things.

Before I reached the age of 18, I had committed—well at the age of 14, I had committed my first kidnaping and upon that—I was 14½, I had committed 45 robberies, I was brought to court on 32 and I was found guilty of 11. And among the friends that I had with me, half of them did not make it.

Being here today is a blessing because I could not have made it here today if it was not for positive people, as the people on the Youth Coordinating Council. If it was not for people like them, people in the community, or people in the school that care, I would not have made it.

At the age of 14½ I was doing time in Milledgeville YDC. That did not help me also. I came home from Milledgeville and at the age of 17 I was selling drugs. I bought a car, a beeper, nice clothes, would not listen to mom. As it was when I was a youth, I never did listen to mom. There were some things that I could not admit to myself because I was—I just had so much trouble and animosity and anger that I took it out on the community.

Milledgeville YDC, it did not change me. I came home selling drugs and I was still doing gang banging in my own way. I dropped

out of school—I just stopped going. I went to Alternate Life Path and dropped out of there. I just kept dropping out in life.

Then there were some strong points, and the strongest point that turned me around was death because coming home to my neighborhood, over a sour drug deal, I almost lost my life in my own neighborhood and the neighborhood I grew up in.

After that, I sat down to myself and had a long talk with God and then I enrolled in Alonzo A. Crim and which now I am a graduating—I will be—and I will most definitely be—a graduating senior of Alonzo A. Crim Comprehensive High and I will be in the class of 1993.

Thank you. [Applause.]

[The prepared statement of Mr. Slaton follows:]

Testimony of Frederick D. Slaton

Good afternoon ladies and gentlemen. My name is Frederick Darnelle Shumbi Slaton. I am 19 years old and live in Decatur, Ga. with my mother.

Until I was 18, I was heavily involved in criminal activity and was a member of a youth gang in the Atlanta area. Today, however, I am proud to say that I am no longer involved in crime and drugs and instead am seeking to make the most of my life through school and a career in the military. Thanks to the help of those who believed in what I could be instead of what I was, I managed to turn my life around instead of ending up dead or in prison.

Two years ago, I could not have stood here and told you these things. I was dealing drugs, robbing people and didn't care about anything. I was headed for a life of crime because there was no one I would listen to, even the people like my mother who really cared about me. At that time, I was in a hostile rage and nobody was going to stop me from doing what I wanted to do.

I was 10 years old when I committed my first crime--shoplifting. That same year I ran away from home and was arrested and placed in a detention center. I stayed there for 24 hours and then went home. Nothing else happened to me, and two weeks later I stole a car with the same friend who talked me into shoplifting. After that, I was placed in detention again for two weeks. But then I came home and nothing changed. I refused to do what I was supposed to do and started hanging out in the streets all the time. I bought a gun when I was 11 years old and smoked my first joint at age 12. I thought I was big and bad and thought nothing else as far as the law could happen to me. When I was 13, I was arrested for hitting a girl in the head with a stick and spent 30 days in detention. After that, the charge was dismissed, and I just went home again.

I don't know if anything could have turned me around at that time, but I think that it would have helped if there had been a male role model in my life who had understood what I faced on the streets and encouraged me to become active in sports or other activities. My mother cared a lot about me and tried to get me to straighten up, but I just wouldn't listen to her, and I put all of my energy into "the street."

When I was 14, I became the youngest member of a gang. For the next year and a half, I was heavily involved in crime and participated in a kidnapping and many robberies. I did a lot of things I now regret, things that I just didn't think or care about not because I needed money but because I enjoyed the power and excitement of running with the fellows. Of course, the money was also important.

By my 15th birthday, I had committed more robberies and other crimes than I can now remember. In fact, as I prepared this testimony, I could not remember how many times I had been arrested or the number of times I was placed in detention. When I was 14, I was placed on probation. A few months later, I was committed to the State for the first time. I spent about 3 months in detention after that and then went to an Alternative School instead of a Youth Development Center. I didn't care anything about that program but just saw it as a chance to stay at home and keep doing what I had been doing. I was just not ready to pay attention to anything except having a good time. School wasn't important at all to me, and I wasn't motivated by my teachers to do better. Of course, a lot of this was my fault; I just didn't care and wouldn't listen to anyone but my friends.

I had only been in this program for a few months when my buddies and I finally got arrested for all the robberies we had been doing. This happened just before I turned 15, and I spent my 15th birthday waiting for trial. All together, we were charged with more than 20 counts of robbery, and the Judge almost sentenced us to be tried as adults. Instead, I was sentenced as

a designated felon to spend at least a year in a Youth Development Center. After I had stayed more than six months in a detention center, I went to the Milledgeville YDC where I stayed about a year.

All in all, I spent most of two and a half years from the first time I got placed on probation until I came home from Milledgeville locked up at various places. By the time I was released from Milledgeville, I was nearly 17 but I had not learned any lessons about making myself a better person. In fact, I came home thinking mainly about better ways to do crimes.

Why didn't Milledgeville and all the detention centers I was in help me? Well for one thing, I wasn't ready to be helped. And, the YDC didn't frighten me. I had spent so much time locked up in detention that by the time I got to Milledgeville I was used to it. And it was so easy. Good food, color T.V.--I just waited to get my time over with. Also, the people at the YDC didn't do much to get me ready to come home. It seemed like the staff didn't really care much about you--they just kept telling me: "You'll be back." Nobody tried to make me believe that I could be a success, that I was worth something. I didn't learn much in school, any of the places I was locked up, and really just did my time waiting to get out. In a way, detention became kind of a home away from home for me.

So, I came home from YDC not any better than I was when I left. That was when I began selling drugs in a big way. I was 17 years of age, selling drugs and thinking only of myself. I wasn't worried about the future or any consequences. Actually, I felt that nothing bad would ever happen to me, and the thought of going to an adult prison just didn't phase me. My mother kept trying to get through to me, but I just didn't pay any attention to her. Why? Because I was making enough money to support a family. I had a car, a beeper and nice clothes. I could eat anywhere I wanted to and buy just about anything. I couldn't get a real job because I was too young, and I wasn't going to school

enough to get a work permit. So, I had to hustle like I was doing if I wanted to have money. I also think that the excitement and power I felt from what I was doing was just too much to give up.

I think that my experience is shared by many teenagers today. The only thing that has changed is that there is more money, more drugs and more people who want to sell drugs. The temptation of big money and the feeling of power you get from dealing and gang-banging is just too strong to pass up, especially when you don't have any options. The only way I feel that you can keep kids off the streets is to provide more recreational and job opportunities for teenagers and for schools to provide more after-school activities that get youth involved in the community.

Just before I turned 18, one of my friends was shot in the face with a sawed-off shotgun. And, about 6 months after I came home, I came within about 2 minutes of being killed while I was trying to collect money from a junkie.

Although these things scared me, I did not immediately change my ways. But on my 18th birthday, I had a long talk with God and myself. The next morning, I enrolled in a new high school, Alonzo A. Crim High School. I had started school again after coming home from the YDC, but I skipped a lot and made failing grades. Part of the problem was that I just didn't think I could do any better and had basically given up on school. Also, I liked the way my life was going.

When I started classes at Crim, I made a hundred percent turnaround. My grades got better, and I started going every day. The staff there made it clear that I could succeed if I adhered to the school motto: "I can, I will, I must." My new teachers tried to motivate me to do the best I could do and didn't hold my past against me. They didn't tell me that I couldn't do things but instead tried to get me to do things I had never thought I could do. As I became more involved in school work and joined

the ROTC program, I stopped hanging around my old friends as much and started really trying to avoid trouble with the law.

ROTC was a major reason I changed my lifestyle. My ROTC instructor spent a lot of time with me and continually encouraged me to think for myself and be an individual and a leader. He also gave me a real goal in my life-- a military career. This was something for me to work toward rather than simply getting by day-to-day and trying to impress my buddies.

My Court Service Worker also helped a lot. He kept staying on top of me, trying to make sure I went to school and stayed home at night rather than hanging out with my old friends. He would even call my home late at night to make sure I was there. At first, I didn't listen to him--I hadn't listened to anyone else in the court system up to that point--but I eventually realized that he really cared about me and was trying to keep me out of trouble so I could make something of myself. Eventually, I realized that he talked sense and that I had to take advantage of school if I was ever going to be anything.

In conclusion, I would like to thank God, my mom and the entire Alonzo A. Crim High School faculty for their love, friendship and words of wisdom. Without their guidance and support, I honestly believe that I would not be here today.

Senator FOWLER. Fred, thank you very much. I think both of us would like to have some questions, but thank you for your testimony. We will let the lady go and then we will come back.

This is Pat Wildman, who is the chair of Georgians for Children, who will share with us some of her work experiences working with our young people statewide.

Welcome, Ms. Wildman.

STATEMENT OF PAT WILDMAN

Ms. WILDMAN. Senator Kohl and Senator Fowler, my name is Pat Wildman. I am here today because I chair the board of directors of Georgians for Children, a statewide independent advocacy organization. I am a volunteer, having been in the area of child advocacy for 17 years, and I own a corporate video production company.

Georgians for Children was established in 1989 by volunteers who wanted to look at the status of children in Georgia. We have three goals: Researching the status of children, communicating that information to a broad audience, and mobilizing citizens on the basis of that information.

During our brief existence, we have received slightly under a million dollars' worth of funding for the next 4 years from a group of corporate foundations and individual donors, both in-State and out-of-State. We receive no government funds.

In collaboration with the Department of Human Resources and the Georgia Department of Education, we are the recipient of the Annie E. Casey Foundation for Georgia Kids Count. Research assistance is also being provided by the School of Public Health at Emory University.

The first Georgia Kids Count report will be released in December 1992 and will delineate the comprehensive status of children, birth to 18 in each of the 159 counties in Georgia. It will provide an opportunity to track how well or how poorly Georgia's children are doing, and serve as a vehicle for ensuring the effectiveness of new policies and programs designed to improve the conditions of our children.

In collaboration with the Metropolitan Atlanta Community Foundation, we are establishing a Georgia children's campaign. The purpose of this campaign will be to create new voices for children and to mobilize citizens across the State on behalf of children. The steering committee of that campaign is made up of persons who represent statewide networks such as the League of Women Voters, the American Academy of Pediatrics, the Latin American Association, and others. That group will adopt an action agenda annually on behalf of children. And it is efforts like this that will not only glean results at the ballot box but will shape policies and programs for children.

My job today is to set the stage for your discussions. Using the 1992 national Kids Count report, we know that Georgia ranks 47th in the well-being of its children when compared to other States. While this appears to be an improvement since last year when we ranked 50th, in reality, the Southern States play musical chairs in the basement of this report.

Although being poor does not mean that one has to have a negative outcome, the final report of the National Commission on Chil-

dren, chaired by Jay Rockefeller, states that children living in poverty are more likely to have health and behavioral problems, lower levels of literacy and higher rates of school dropout. In Georgia, 23 percent of our children under the age of 19 live in poverty, almost 1 in 4.

Georgia has one of the highest teen pregnancy rates in the Nation and was ranked 46th among the States on this indicator. For far too many young people, teen pregnancy begins a cycle of failure and poverty.

Early and continuous prenatal care for these teens and all other pregnant women is of utmost importance. Many pregnant women and their families go without health care because of their family's income, employment status or because of where they live. In addition, Kids Count reports that 19.9 percent of Georgia children, almost 1 in 5, have no health insurance. Those in rural areas, even if they do have insurance, must often travel long distances to a health care provider.

Education has become a prerequisite for economic self-sufficiency in America, yet Georgia ranks 48th in the Nation in the percent of children graduating from high school, with a dropout rate for 1989 of over 40 percent. According to the National Commission on Children, the national dropout rate is about 30 percent.

Today's families face numerous challenges and are under more stress than perhaps ever before. Reports of child abuse in Georgia have increased 350 percent during the last decade. The number of children in foster care has increased 44.6 percent in the last 5 years. There are an estimated 10,000 to 15,000 homeless children in Georgia. Many of these abused, foster care and homeless children are teenagers.

The Kids Count report has assigned Georgia a ranking of 39th in the Nation for its 1989 teen violent death rate with 80.6 for every 100,000 children between the ages of 15 and 19 years dying from homicide, suicide, or accidents, often involving firearms.

Georgia ranks 31st in incarcerating its children ages 10 to 15. In our Georgia Kids Count report we are finding that in 1991, the average age at the time of commitment was 15. Yet one half of these children had not completed the sixth grade. Diversion programs are often less expensive, as you know, than the traditional detention settings, and there is much evidence that focusing on prevention efforts within families, schools, and communities is the most effective way to decrease crime among youth.

The Georgia Department of Human Resources estimates that 90,000 children under the age of 18 are severely emotionally disturbed. Substance abuse among teens in Georgia is also a serious problem. An estimated 70,000 to 80,000 of Georgia teens use addictive substances three to four times a week. Sadly, addictive substance abuse programs are severely limited for those without private health insurance. Currently, Georgia has 135 alcohol and drug treatment beds for adolescents.

Georgia's children are not alone. The trends in our State are parallel to what is happening throughout the Nation. America is a country with enormous wealth and resources, but over the past decade, our priorities seem to have been at odds with what is necessary for a productive future for our children and our Nation. Al-

though the statistics document the gravity of children's needs, many of the conditions confronting our children can be changed through wise investments in preventive health care, education, and *diversion programs.*

[The prepared statement of Ms. Wildman follows:]

TESTIMONY OF
PAT WILDMAN, CHAIR, BOARD OF DIRECTORS

Senator Kohl and Senator Fowler, my name is Pat Wildman, and I am here today because I chair the Board of Directors of Georgians for Children, a statewide, independent advocacy organization for children. I am, therefore, a volunteer who has been involved in the child advocacy arena for the past 17 years, and my business is corporate video production.

Georgians for Children is a fairly new organization, having been established in 1989 by volunteers for the purpose of improving the well-being of children in Georgia. Georgians has three goals:

1. researching the status of children in Georgia,
2. communicating that information to a broad audience, and
3. mobilizing citizens on the basis of that information.

The mission of GFC is to serve as a credible voice for the 1.7 million children in Georgia by defining and researching their status and publicizing comprehensive approaches to their well-being.

During our brief existence GFC has received just under $1,000,000 worth of grants toward funding our mission for the next four years. Those monies have come from sources such as the Annie E. Casey Foundation, the Joseph B. Whitehead Foundation, the BellSouth Foundation, Primerica Financial Services, the Metropolitan Atlanta Community Foundation, the Tull Foundation, the Junior League of Atlanta, Episcopal Charities and others. So you can see that we have strong support for our activities which I have been asked to describe here. GFC accepts no government funds.

RESEARCH; GFC, in collaboration with the Georgia Department of

Human Resources and the Georgia Department of Education, is the recipient of the Annie E. Casey Foundation KIDS COUNT grant. Research assistance is also being provided by the School of Public Health at Emory University.

The Georgia KIDS COUNT Report will be released in December, 1992, and will delineate the comprehensive status of children birth to 18 years in each of the 159 counties in Georgia ranging from infant mortality to high school drop-outs. This study will span a four year period providing a means for tracking how well or how poorly Georgia's children are doing. It will also allow community leaders and policy makers to actually see trends evolving over time and serve as a vehicle for insuring the effectiveness of new policies and programs designed to improve conditions for our children. The KIDS COUNT results are intended to help establish priorities and goals for more effective investments in families and children.

COMMUNICATION: The information generated in the Georgian KIDS COUNT Report will be made available and sent to thousands of corporate and business leaders, state officials, advocates and others. In addition, each Georgia county will have an individual County Profile highlighting information pertaining to their county.

Another aspect of communication concerns activities during the Georgia General Assembly. Last year Georgians for Children

provided information on budget issues affecting children and families by holding a press conference and providing various documents to each member of the legislature.

During the regular session of the General Assembly, Georgians convened weekly meetings of numerous lobbyists for children ranging from the Georgia Council on Child Abuse to the Georgia PTA. This legislative network shared information regarding current legislative activity and eventually achieved consensus on three issues: funding kindergarten programs for low-income children, expansion of medicaid benefits for pregnant women and children to 150% of poverty, and expansion of services for severely emotionally disturbed children. All three items were included in the final budget package.

MOBILIZATION: In collaboration with the Metropolitan Atlanta Community Foundation, our organization is establishing a Georgia Children's Campaign. The purpose of this campaign will be to create new voices for children and to mobilize citizens across the state. The Steering Committee of the Campaign is made up of persons representing state networks such as the League of Women Voters, the NAACP, the Latin American Association, churches, the Georgia Chapter of the American Academy of Pediatrics, and others. The Steering Committee represents a larger group of state partnerships and will annually adopt an action plan for children. This will be an effort to gain consensus on behalf of children's needs, to educate and inform the public, and to mobilize citizens to act on behalf of children. Efforts like this will not only glean results at the ballot box, but will shape policies and programs for children.

THE STATUS OF CHILDREN IN GEORGIA:

My job today is to set the stage for your discussions. While it is important to know that Georgia KIDS COUNT will provide us with valuable data, already there is much information that we already have about children in Georgia. Using the 1992 National KIDS COUNT Report and 1990 Census information, we know that Georgia ranks 47th in the well-being of its children when compared to other states. While this appears to be an improvement since last year, in reality, the Southern states play musical chairs in the basement of this report.

There are 1.7 million children in Georgia, and often the circumstances in which each Georgia child lives determines his or her chance for a happy, healthy, well-educated childhood and a productive adulthood. A ranking of 47th indicates that many Georgia children are at risk for such outcomes as teen pregnancy, juvenile incarceration, and failure to complete a high school education.

While I am aware that you are most interested in children at the older end of the spectrum, there are many factors facing the entire family and a child's early years that have a bearing on his or her well-being. Although being poor does not mean that one has to have a negative outcome, the final report of the National Commission on Children chaired by Jay Rockefeller, states that children living in poverty are more likely to have health and behavioral problems, lower levels of literacy and higher rates of school drop-out. In Georgia 23% of our children under the age of 19 live in poverty, almost one in four.

Georgia has one of the highest teen pregnancy rates in the nation, and was ranked 46th among the states on this indicator In 1989, 11.4% of all live births in this state were to unmarried women under the age of 20. For far too many young people, teen pregnancy begins a cycle of failure and poverty.

Early and continuous prenatal care for these teens all and other pregnant women is of utmost importance. Many pregnant women and their families go without health care because of the family's income, employment status, or because of where they live. KIDS COUNT reports that 19.9% of Georgia children, almost one in five, have no health insurance. Those in rural areas, even if they have insurance, must often travel long distances to a health care provider. Only 17% of the more than 436,000 eligible children receive health screening through the Medicaid EPSDT program because of a lack of outreach and administrative barriers.

Education has become a prerequisite for economic self-sufficiency in America, and yet, far too many children drop out of school. Georgia ranks 48th in the nation in the per cent of children graduating from high school, with a dropout rate of over 40% for 1989. According to the National Commission on Children,the national dropout rate is approximately 30%.

Today's families face numerous challenges and are under more stress than perhaps ever before. Reports of child abuse and neglect have increased 350% in Georgia during the last decade, with 45,817 cases reported during the state's 1991 fiscal year. The number of children in foster care has increased 44.6% in the last five years. There are an estimated 10,000 to 15,000 homeless children in Georgia. Many of these abused, foster care, or homeless children are teenagers.

The KIDS COUNT report has assigned Georgia a ranking of 39th in the nation for its 1989 teen violent death rate, with 80.6 for every 100,000 children between the ages of 15 and 19 years dying from homicide, suicide, or accidents. A total of 415 teens died a violent death in 1989; 281 deaths were attributable to accidents, 76 to homicide, and 58 to suicide. According to the 1992 Georgian Child Fatality Review Annual Report, the leading cause of death for Georgia children during the period of time studied (June 1990 to September 1991) was accidents. The majority of the deaths attributable to accidents involved automobiles or firearms. Georgia's child death rate for 1989 was 35.9 for every 100,000 children between one and fourteen. 499 children in that age group died that year.

Georgia ranks 31st in incarcerating its children ages 10 to 15. Diversion programs are often less expensive than the traditional detention settings. Alternative placments, or "diversions" are non-secure placement sites, community-based programs, in-home supervision programs or other specialized services that better suit the needs of individual offenders. It is also interesting to note, that many committed children, have often not completed the sixth grade. There is evidence that focusing on prevention efforts within families, schools and communities is the most effective way to decrease crime among youth.

The Georgia Department of Human Resources estimates that 90,000 children under age 18 are severely emotional disturbed. Substance abuse among teens is also a serious problem in Georgia, An estimated 70,000 to 80,000 of Georgia's teens use addictive substances three to four times a week. Sadly, addictive substance abuse programs are severly limited for those without private health insurance. Currently, Georgia has only 135 alcohol and drug treatment beds for adolescents.

Georgia's children are not alone, The trends in our state are parallel to what is happening throughout our nation. And although the statistics document the gravity of children's needs, many of the conditions confronting our children can be changed through wise investments in preventive health care, education and other programs. You have many experts here today who will discuss many other factors that relate to school drop-outs, high

risk behaviors of teens, and alternatives to incarceration. I appreciate the opportunity to be a part of this hearing and I urge you to contact GFC whenever we can be of service to you.

In closing, America is a country with enormous wealth and resources, but over the past decade, our priorities seem to have been at odds with what is necessary for a productive future for our children and our nation. We need to provide our children with the basic building blocks of healthy development to insure a happy future.

Senator FOWLER. Ms. Wildman, thank you very much—very much. May I begin asking you a couple of questions? And then, as Senator Kohl knows, invite his participation. We will try to just have a little discussion for a moment.

I want to go back to, I think, your last paragraph, on health care. I do not—you may not have the figures at your fingertips, but somebody will tell us. The impression I have is that in Georgia, we are making a little headway, at least on reducing the rate of infant mortality and young children death rate.

What is it going to take to—I think the figures we saw just a few weeks ago, when you add all that up is we have got another 2 million people falling into poverty, that have fallen into poverty over the last 4 years. I am sure you would agree we have got to have a lot better policies simultaneously and coinciding, but how much of it—you seem to put a lot on health-related remedies. Would you share a little more of your thoughts on that? How much of it—when we look at our policies, either State or Federal, what should we be doing in health and then what should we be doing in what we call justice programs, juvenile justice programs?

Ms. WILDMAN. Well, we have made some progress in the areas of child death rate and infant mortality. We are still way behind, but we have made some progress. I think it is sometimes easier to put preventive money into health programs than it is into social programs. In the area of teen pregnancy, only 2 percent of the money that we put into that area go into prevention. And I think one of the reasons may be because babies are easily identifiable, they are easier to market, and we know where to put the money. We know it needs to go to the hospitals, we know it needs to go into the medical field.

I think when you are talking about social problems, particularly related to teenagers, it is not as marketable an issue, it is something that is a little bit more complicated. We are willing to go to the hospitals, but we are not necessarily willing to go to the schools or go to the churches. I think it is a political issue. Since the children do not vote, it is easier to put the money into the more marketable issue, which is sick babies. And I think that while that is a need and it is certainly something we need to do, there are many other areas that need attention.

In terms of focusing on everything at once; yes, we do need to focus on a lot of areas at once, but we also need leadership. There can be some reorganizing of priorities and I cannot tell you exactly how—that is you all's job—but we need leadership.

We need leadership from the White House, we need leadership from the Senate, we need leadership in the communities, we need leadership everywhere, to say that children are a high priority. When our candidates and our incumbents have in their political platform things that need to be done for children, then we will be approaching our goal. Right now, it is hardly ever mentioned, except for jobs possibly, and maybe health care. But we are not really looking at children with the idea that we may in fact be on the verge of losing an entire generation of children. We need to look at it as a priority for the future—it is an investment. And when you are talking about prevention, that investment is crucial.

Senator KOHL. Well those are very moving comments and I think highly accurate comments. How urgent would you say it is that we get beyond the politics of the national health care debate and get moving on the realities of fixing this system and improving the quality of health care? I think you would agree that until we start the debate and begin improving health care delivery throughout this country, that Georgia, all by itself, is not going to be able to make the difference; that clearly Georgia is tied to the national debate in any national action. How urgent do you think it is that we get moving with respect to this?

Ms. WILDMAN. Well I think that we are involved at this point in a window of opportunity. There is momentum building across the country for the needs of the whole child—not just looking at pieces of the family or pieces of the child. The Coalition for America's Children, the Community Foundations for Youth in various parts of the country, the Children's Defense Fund, advocate groups like ours are coming into collaboration with State and local groups. That is a very important new change that we should take advantage of. The Federal Government cannot do it by itself, things need to bubble up from the communities.

The Federal Government, in my opinion, needs to be an enabler, needs to be a catalyst perhaps for bringing new sectors of a community together, like corporate America. But the solutions need to bubble up from the communities and need to be done within the community. And I do not think the Government can really do more than be an enabler, in my opinion.

But I do think there is momentum, I do think it is an opportunity for Georgia to be a regional leader. The Southeastern States have a very bad reputation for taking care of their kids, for many, many reasons. And I think Georgia can really provide some opportunity for the entire region.

Senator FOWLER. Fred, let me thank you again for bravely coming here today to tell your story and congratulations on that upcoming graduation from Alonzo Crim High School.

What would you like to do when you get out of high school if you had your druthers?

Mr. SLATON. Say what?

Senator FOWLER. If you had your—if you could do anything you wanted to, what would you do when you get out of high school, when you graduate?

Mr. SLATON. Well first, I would like to make a career in the military.

Senator FOWLER. Wonderful.

Mr. SLATON. And then I would like to come back and rebuild my own community.

Senator FOWLER. Where were you born?

Mr. SLATON. I was born in East Point at South Fulton Hospital.

Senator FOWLER. Pull that microphone all the way up so you can sound like me.

Mr. SLATON. I was born in East Point at South Fulton Hospital.

Senator FOWLER. And what did you say you were convicted for at 14?

Mr. SLATON. At 14, I was convicted of kidnaping and robbery.

Senator FOWLER. What kind of kidnaping, why did you kidnap somebody at 14?

Mr. SLATON. Well at that time, that is when drugs were really becoming a part of the street. And then it was like a money problem, and so it was another kid in the neighborhood. We took him to the back of the woods and I feel very deeply if it was not for his mom coming by the street on which we were, I believe we would have killed him.

Senator FOWLER. Hmmm. Let me ask you a couple of specific questions that will help us understand.

I believe you said that when you were in Milledgeville at the youth detention center there, that they did not help you. Why did they not help you?

Mr. SLATON. Because when I was in Milledgeville, most of the staff members, every time something would happen, "Fred, you are going to be back here, you are going to be down here." I mean it really was not a problem—I mean color TV, nice place to sleep, heat, air-conditioning. At that time, I did not care, I mean the only thing I had to do was sit there, look at this color TV, get all this good food, and the next year or two, I will be out. That is all it was, it was never "this is how you need to do" or "this is how you can go back to the community." It was always, "You are going to go back out there and you are going to do the same thing." There was never no one there to actually say, "Well, Fred, if you take life in this perspective, you can arrange things to happen like this." It was never that constant theme to go back to the community and do the right thing.

Senator FOWLER. Who did that for you? Where did you—who do you credit for helping you turn your life around?

Mr. SLATON. Well not putting—not saying that it was a good thing that it happened—there are really a couple of things.

First, when I came home, I would say 6 months after I came home——

Senator FOWLER. From Milledgeville?

Mr. SLATON. Yes, sir.

Senator FOWLER. How old were you?

Mr. SLATON. I was 17. At that time, I was still gang banging, and I had a friend—not calling his name—and we had got in a fight at the school which I attended and we came back home after fighting and we was in our neighborhood, standing in the street, and it so happened to be he got half his face blown off. It was the point that then I stopped and I was like, "Man, he could have died." And like, "If I keep fighting, will that ever be me laying out there about to die."

And I would say another person is my mom and her constant prayers, and also the staff at Alonzo A. Crim. Because when I came back to my school, my home school, the principal there, he had put it so bad, that I was such a bad person and that I did not care, he even had teachers thinking that I would shoot them. Well at that point, you know, I probably would have. But when I came home——

Senator FOWLER. You told us that earlier, you said—I think your words were that you had so much animosity and anger and you de-

cided to take it out on the community. Why? Where did all that anger come from?

Mr. SLATON. Well I would say——

Senator FOWLER. What were you mad at?

Mr. SLATON. Well I really was not mad at anything, it was the point that I wanted the power, I wanted to be some—it was the point with a lot of youths today, everybody wants to be known. You know, I mean, if you go into a neighborhood and you say who is the bad buddy, everybody always has a bad buddy. And it seems like every youth will strive to be that popular person. It is not the point of being popular, it is the power in being popular. Everybody knows you, you are doing this. It is not the point that everybody wants to go out and sell drugs or rob, it is the point of being popular. Popular is what is destroying all of us.

Senator FOWLER. Well as you are helping your classmates now and trying to steer others toward the right road for a good future and not ending up dead in the streets, what do you—how do you tell them they can be popular and powerful without turning to a life of crime and doing drugs?

Mr. SLATON. Well first of all, at school I start by—I am the commander of the drill team, and first of all, I start off and frankly I will pray. I have my cadets and I take my platoon and we will pray. And then I will say, "Before we go into drilling ceremony, let us have a discussion. Do anybody have any problems?" And if it is a serious problem, each and every one of my cadets, they will come out and speak that problem. I had a cadet come to me the other day and said he had a problem with money. And he said, "Can you tell me somewhere I can buy me a quarter of crack?" I said, "Yeah, I can tell you where you can buy you a quarter of crack and also get you a quarter off your life." You know, they look at it as money. If there were more jobs and community activities, he probably would have came, "Do you know a place I can go play basketball where it is not so crowded," instead of saying, "Do you know where I can get some crack at to sell because I want to get these shoes."

What is it going to prove? I told him, "I will tell you what, I know a place where you probably can get a job, but I do not know where you can get no crack."

Senator FOWLER. This is my last question temporarily. I know Senator Kohl might like to—go back to your friends at Crim that are going to graduate. Besides those of you who want to serve the public by being in the military, where do your friends want to work, and do they think there is a job available for them?

Mr. SLATON. Well I have some friends—well to tell you the truth, I have no friends.

Senator FOWLER. You have no friends?

Mr. SLATON. Well, they are associates. There has never been a real friend. Most of the people in my neighborhood, they be like, "Come on man, let us go smoke, let us go drink." My friends, where do they work? They work on the streets and 30 percent of them are dead and the other percent of them are working in prisons cleaning up the highway.

Senator FOWLER. Let me—I said I was going to quit, but let me go back and ask a similar question the same way. You said that most of those people who are now in jail or dead did their—sold

drugs or went into armed robberies, all these things that are related, went to a life of crime because they wanted to be powerful and wanted to be popular.

Mr. SLATON. Yes, sir.

Senator FOWLER. What will—you know why we are here, we are trying to figure out a way to keep young Fred Slatons who are now 12, 11, 10, and some younger, from being sucked into that life where you will either end up in jail for a long time or you will end up dead. And you know it, you are lucky.

Mr. SLATON. Yes, sir.

Senator FOWLER. You survived and you straightened out your life. What would you recommend to all us folks here who are trying to keep that from happening to a lot of other Fred Slatons? What do we provide or what do we do or what do we teach, where are we going wrong, where can we help?

Mr. SLATON. Well, related to the thing of being healthy, I am not proud of saying when I was 11, I wanted to be a part of some kind of group, even a football team. At the age of 11, I was doing drugs, I was smoking marijuana at the age of 11. I feel that if the community can install an activity, not only for young people, but to give a chance for the older youths to work with the younger youth instead of just saying you are too old to come here, I feel that——

Senator FOWLER. To the community center?

Mr. SLATON. Yes. I feel that there should be more activities than just basketball and football. I mean that is all you look at. I feel if the older youths in the communities can speak more outward to the younger youth, I believe that they will have a better understanding that everybody does not make it from a life of crime.

Senator FOWLER. What do you say to your 14-year-old friends now that you are trying to help, when they say, "I can do $400 or $500 a week by being a runner for drugs, what do you have to offer me?"

Mr. SLATON. Well, if one of them come to me and said, "I can make about $500 a week selling drugs," I say, "Well, you probably can make $50,000 a year by getting a high school education."

Senator FOWLER. Thank you.

Senator KOHL. Fred, I believe in your testimony you talked about the importance of a court officer who checked up on you daily and his interest made all the difference in the world in helping you to turn your life around.

Mr. SLATON. Yes.

Senator KOHL. How important is that kind of a person in the life of an individual like yourself at a time when you are in this kind of difficulty, who takes a personal interest?

Mr. SLATON. I say a role model plays a very big part. I mean the things that he did—when I came home from Milledgeville, it was like, "Fred, are you at home?" "Yes." "Fred, are you going to school?" "Yes." He was there to make sure that I was in school doing what I was supposed to do. It was not like, "Fred, if you do this, you are going to go back." It was like, "Look, if you do this, you are dead, you do this, you are in jail." I mean he was just there to put that and install that. And I also thank my ROTC instructors for the same thing.

But my court service worker, he was there. I mean when I was not at home, it was like, "Where were you?" It was like, "Man, he cares," I mean he knows that I want to do something better. And when I was released from aftercare, one of the detectives had came and he said that they had labeled me as being a prisoner. They said that after juvenile court, they just planned on sending my papers on over across the street to the adult system. And just by Mr. Marshall just being there, I mean, he just showed me he cared and I was like, "I can do better."

Senator KOHL. Mr. Marshall, was that his name?

Mr. SLATON. Yes, sir.

Senator KOHL. Like an older brother or almost like a parent?

Mr. SLATON. Well, I would say Mr. Marshall was like a brother, because before he became a court service worker, he was in the juvenile system, he was also a staff, and it was like a weekly visit, it was like, "Yeah, you are back in," and he would always say, "You can do better." I mean he even showed me some things, it was not the point of him telling me and just telling me, he even showed me some things that would make a bull turn around.

Senator KOHL. So would you say that in neighborhoods that have the kinds of difficulties that we are talking about today, if there were a sufficient number of Mr. Marshalls, these problems could be alleviated or reduced greatly?

Mr. SLATON. I would say so. I would not say greatly, but I would say that would help the younger generation, but I would say from 14 on up, at this time of day that that would only be just more what mom and dad said at home, do this, do that. You know, if we have a lot of Mr. Marshalls in the neighborhood, then that is going to take away from all our other good people. I mean Mr. Marshalls are the people that turn you away from crime, but there should be someone there to install something to make you want to achieve better than just not being a criminal.

Senator FOWLER. In the first place.

Mr. SLATON. Yes. I mean if you have a Mr. Marshall, he can also turn you away from—he can turn you away from the jail cells and the courtrooms, but who is that person who is going to put you on that goal, I mean, achieve something, be somebody. Because when I first came to Crim, I never thought that I would be an officer in ROTC. When they see me in the neighborhood, it is like, "What, Fred, oh, my God." I mean they be like, "I am fixing to go to school"—the little kids, when they see me in uniform, they be like, "Fred, I am going to school, I am going to have one of those uniforms; Fred, I am going to be just like you, telling people what to do." I say, "It is not all in telling people what to do, it is being a leader." And I feel that—it makes me feel good when those little kids in that neighborhood, they be like, "Fred, I am going to do just like you; we are going to stop fighting." And I say and I am glad to say that when I am around those little kids, they used to fight every day; they do not even fight any more, they are like, "Fred, show us some military stuff." I mean, that makes me feel good.

Senator KOHL. Well you have done a great job in turning your life around, Fred, I congratulate you.

Mr. SLATON. Thank you.

Senator FOWLER. Fred, let me ask you just one or two other questions, and tell me the truth—I know you will, but it might sound a little strange. Was Mr. Marshall black or white?

Mr. SLATON. He was black.

Senator FOWLER. If he had been white, do you think as a 14- or 15-year-old black male, you would have paid less attention to him? Would that have made a difference to you what color he was?

Mr. SLATON. I would have paid more attention to him.

Senator FOWLER. If he was white?

Mr. SLATON. Yes.

Senator FOWLER. Why?

Mr. SLATON. Because first of all—that is kind of hard to explain right now, but——

Senator FOWLER. Give it a try.

Mr. SLATON. All right. First of all, I used to be that type of person, I used to just hate the whites. I mean I used to be the same—"Oh, the white man is taking this from me, the white man is hurting me." Then it was a white man who really got me out of so much trouble. So I thought, "Hey, the white man is not all that bad." And it was always that black man, "You are bad, you ain't nothing." And when I was in Milledgeville, it was always that black man, "You are coming back, you ain't going to do nothing, you are hardheaded," you know. Not saying it as a racist remark, I would say that is how the white man gained my respect, by being there, just by saying, "Look here, son, do not be a part of this."

Senator FOWLER. Good luck.

Senator KOHL. Is your mother proud of you?

Mr. SLATON. I believe she is.

Senator KOHL. Is she here today?

Mr. SLATON. She is right there in the red and white.

Senator FOWLER. Stand up. [Applause.]

Pat, thank you so much; Fred, thank you so much. I will see you soon.

Ms. WILDMAN. Thank you all for having me.

Senator FOWLER. Good luck to you.

Our second panel includes four individuals who are experts in their field, four Georgians who spend every day managing and supporting the lives of our State's youth who are at risk. And they represent a variety of perspectives.

First, is Mr. Rick McDevitt, who is the director for the Georgia Alliance for Children, very outspoken advocate on youth issues.

We have Judge Glenda Johnson, who is the chief presiding judge of the Juvenile Court of Fulton County, also serves on the advisory board for the Atlanta project and Georgia's Council of Juvenile Court Justices.

Dr. George Napper, commissioner of the Georgia Department of Children and Youth Services. That is the new agency in our State, Senator Kohl, combining the former youth services with human services. Dr. Napper was appointed to that position by the Governor of our State. His public service includes being the chief of police of Atlanta when I was a city councilman. I learned a lot from Dr. Napper as well as the commissioner of public safety.

And last is Dr. Joy Maxey, who is an Atlanta pediatrician and serves as the chairman of the Children and Youth Coordinating Council.

Dr. Maxey, as always, thank you.

I am not going to let McDevitt, he talks too much and he is so persuasive, so I think we will start with Dr. Maxey, at least start with a lady here and work down the row that way.

PANEL CONSISTING OF JOY A. MAXEY, M.D., CHAIRPERSON, GEORGIA CHILDREN AND YOUTH COORDINATING COUNCIL; GEORGE NAPPER, JR., PH.D., DIRECTOR, STATE DEPARTMENT OF CHILDREN AND YOUTH SERVICES; HON. GLENDA H. JOHNSON, CHIEF, PRESIDING FULTON COUNTY JUVENILE COURT JUDGE; AND RICK McDEVITT, DIRECTOR, GEORGIA ALLIANCE FOR CHILDREN

STATEMENT OF JOY A. MAXEY

Dr. MAXEY. Senator Kohl and Senator Fowler, it is indeed an honor and a privilege to be allowed to be here with you gentlemen today and to talk with you about something that is extremely important to you about something that is extremely important to me, and that is children at risk in our State.

In addition to my position with the Coordinating Council, I am also president of Safe Kids of Georgia, the chairman of the young physicians' section of the American Medical Association, the second vice president of the Medical Association of Georgia, and the president of DeKalb Medical Society. These organizations are all heavily involved in youth activities, teen pregnancy prevention. The Medical Association of Georgia was the first group to publish the documentation of the need of a full-time medical director in our juvenile facilities. So it is from this perspective that both my vocation and my avocations are focused on children, that I offer the following testimony.

In 1990, the legislature in the State of Georgia, through the leadership of Governor Miller and Senator Nathan Deal, established our current Children and Youth Coordinating Council. This council combined the old Council on Juvenile Justice and the old Commission on Children and Youth into one unit. Since that time, we have been the overseers of the JJDP grant funding in this State, providing moneys to communities to offer community-based programs for both the treatment and the prevention of juvenile delinquency. I believe that you have received in advance a copy of the grants that we have made since that time.

In my view, juvenile justice delinquency prevention begins at birth and it is in light of this reality that we, I feel, need to broaden the criteria of the formula grants that we currently are administering.

I was very pleased to learn of the reauthorization of the JJDP Act of 1974. I was particularly impressed, Senator Kohl, with the State challenge program in this new grant. I think this is an excellent idea and certainly a move in the right direction. Here in Georgia, we have already begun to address some of the State challenge grant categories.

We have commissioned a study in the past of emotionally disturbed youth in our juvenile system and we have received some very interesting data in which we are trying to formulate some programs and hope that this money will become available to us to implement these programs once we have developed them.

We have already gone ahead, in cooperation with Dr. Napper, and obligated moneys for a full-time medical director for our juvenile facilities. The way things have been in the past, a child would be in trouble with the law, they would appear before someone like Judge Johnson. Judge Johnson would feel they would benefit from being in a facility, either short-term or long-term, like the one Fred was in in Milledgeville. The child would get there, they may have medical problems, they may not have medical problems, nobody knew. There was no one there to evaluate them, no one there to follow them along while they were there, no one to check up on them in terms of health issues and medical problems that could be impacting on both their behavior and their other aspects of their life that are important as to why a particular youth may commit a particular crime. And this simply was not occurring. So we are very proud of the fact that we have been able, through the funding, to come up with moneys to provide for our first full-time medical director and we think this is a big, big step in the right direction.

Senator FOWLER. How many of those will there be?

Dr. MAXEY. There will be one director for the YDC facilities here in the State, both the short-term and the long-term.

Senator FOWLER. One director for all the YDC's.

Dr. MAXEY. Yes, sir.

Senator FOWLER. But not one per center.

Dr. MAXEY. Not yet.

Senator FOWLER. That is the next step?

Dr. MAXEY. I am a woman of vision; yes, sir.

Senator FOWLER. Wonderful. [Laughter.]

May your tribe increase.

Dr. MAXEY. Thank you.

The other thing that we have done is we have significantly increased our community-based programs for juvenile delinquency detentions. We are using some in-home monitoring equipment. We have a very outstanding program going on in Chatham County—the Savannah, GA area of our State, Senator Kohl.

The other thing we have done is provided some funding to assist The Bridge. The Bridge is a private, nonprofit organization here in Atlanta, and it provides short-term residential treatment for serious offenders like the ones you were addressing earlier, Senator Fowler.

And with these challenge funds, we are very excited that we may be able to expand this into long-term treatment and even start looking at treatment of juvenile sex offenders, which is a very, very complex and serious problem.

We have completed an exhaustive study of minority overrepresentation here in our juvenile justice system. In response to this we have implemented cultural diversity training for all the officers and all the personnel involved with handling of juveniles in this State. It is also a special condition of funding for our largest service provider that the council has required that they use the Office of Juve-

nile Justice Delinquency Prevention funds to reduce the minority incarceration rates and to reduce the minority commitment rates. And we could also start to address gender bias also if these challenge funds are made available to us.

Our office is positioned to serve as——

Senator FOWLER. What kind of gender bias?

Dr. MAXEY. Well I believe Senator Kohl mentioned in his remarks one of the things that this challenge program calls for is the addressing of the issues of the young ladies' needs that come into the juvenile system. In many instances, there are cases of undetected sexual abuse, there are instances that many of these girls may be pregnant and it is never detected while they are in custody of the juvenile system. And so there are several things that I do not think are intentionally done, but just overlooked, basically from lack of information. And this would provide us the funds to educate and inform these people of things they need to be aware of when dealing with these members of the juvenile population.

[Inaudible comment by Judge Johnson.]

Senator FOWLER. Thank you. We will let you elaborate.

Dr. MAXEY. The other thing is our office—I believe in the legislation as I read it, there was calling for an ombudsman in the act and our office is positioned to serve in that role. We could report on all out-of-home placements in our State and we could—with these challenge funds, we would be able to give you even better data about the disposition of these juveniles, how they are faring in various programs, so that we can see what is working and what is not working, which is something we are currently not able to do very well.

Last year, Senator Deal chaired a joint study committee on children and youth and for the first time we had legislators and advocacy leaders such as Ms. Wildman and Mr. McDevitt that you have on the podium today, meeting together to talk about here is what is available in the private sector, in the nonprofit sector, as well as the programs we are aware of in the public sector, and how can we coordinate between these services. What we find is there is often duplicity and there are people who have needs that go unmet, and while there may be two or three different groups doing the same exact thing for the same exact need, and that moneys, whether they be public or private, could be refocused into a new area of need.

The other thing that our office is doing is we fund alternative schools and in-school probation programs. And these have been very successful, the few that we do have. But again, with the funding from your program, we would be able to expand this much more comprehensively throughout the State. Most of the alternative programs are in metropolitan areas throughout the State and this could be looked at to try in rural areas as well.

Georgia has also begun several important initiatives aimed at coordinating services, as I mentioned earlier. One project in particular that I would like to make you aware of is the family connection project, and this involves—excuse me?

Senator FOWLER. Go ahead, I am just going to stand up.

Dr. MAXEY. Oh, OK.

This project involved the department of human resources, the department of education, and the division of mental health and mental retardation, and it services 14 communities in the State in a coordinated manner rather than a disjointed manner.

My thinking is the best thing we could do with these new moneys from the challenge program in this same concept is to start now making a services coordinator person available for when a youth enters the juvenile system for the first time. I practice in Buckhead, it is the most affluent area in the State of Georgia. Every year, I have somewhere between four and six youths in my practice who end up in front of Judge Johnson. These people are coming from educated parents, many of them are professional parents, money is available for private schools and for education and for many of the things that you hear about. But the bottom line is that children have very basic needs in addition to food, clothing, and shelter that involve self-esteem and positive self-image, and the sense of being loved and wanted. I think that is what you heard Fred say. Fred said, "I liked gang banging because I wanted to be somebody." We all want to be somebody—you, I, and everybody else in this room. And this is not a black problem, it is not a Latino problem, it is an everybody problem and it affects everybody from Buckhead to Bankhead. And I think that we have got to start addressing this in a more comprehensive fashion.

And I think when these folks hit Judge Johnson's courtroom, that they need someone there who will say OK, this is red flag time. You have made it to this point and we need to look and see how you got here and how can we reverse you 180 degrees. And this person needs to have access to medical records, psychiatric records if that is applicable. They need to have access to school, medical records, they need to have access to social service histories if there is one that exists, or otherwise to have a social worker or someone of that training to go out and find out what the family structure is, what is going on inside of the home. And then to be able to come to court with that child and talk to Judge Johnson.

Judge Johnson is a wonderful, brilliant, talented woman with good common sense, but what we as citizens are asking Judge Johnson to do is look at Johnny Jones and say OK, Johnny, here is how you strike me today, go to this program here. That is how she is having to make her decisions. And I think we would be better served, our children would be better served, and our money would be wiser spent if we had someone who said stop, let us examine where we are now, let us make the correct diagnosis. It is like some child coming to my office with a fever and my just treating the fever without finding out why they have a fever. That child is going to die if I do not find out why they have a fever and treat it appropriately. And I think likewise, as we heard from Fred, Fred almost died for the same reason.

It is very important that we address this in a coordinated fashion. Eventually I would like to see a services coordinator be available to every child in the State at birth, to start from there and go forward, to make sure that as these problems occur within family units, occur within school systems, that they can be addressed then and there so this child is not even showing up at Judge Johnson's door. And with these challenge funds, this is the best hope

I have seen out of Washington, DC, in the past 10 years for starting to really address what I perceive to be the real problem.

[The prepared statement of Dr. Maxey follows:]

Testimony of Joy A. Maxey, M.D.

Good afternoon, Senators. It is both a pleasure and a privilege to be invited to discuss with you one of the most important problems facing our country today -- children-at-risk. I am Dr. Joy Maxey. I practice Pediatrics and Adolescent medicine here in Atlanta. Last year, I was honored by Governor Zell Miller when he appointed me Chairman of the Children and Youth Coordinating Council. In addition to my role with the Council, I am also President of Safe Kids of Georgia, Inc., an organization dedicated to the prevention of injuries to children; Chairman of the Young Physicians' Section of the American Medical Association, which has developed and promoted the " Healthier Youth by the Year 2,000 Program;" Second-Vice President of the Medical Association of Georgia, which has promoted teenage pregnancy prevention programs and published the research showing the need for a full-time medical director for our juvenile detention centers; and President-elect of the DeKalb Medical Society, which sponsored a "Teen Yellow Pages" to educate students and parents as to resources available to help our young people. As you can see, both my vocation and avocation are focused on the concerns of our children. It is from this perspective that I offer the following testimony.

In 1990, the Legislature, through the leadership of Governor Zell Miller and Senator Nathan Deal, established the Children and Youth Coordinating Council. This legislation combined the former Juvenile Justice Coordinating Council and the Governor's Commission on Children and Youth. The State recognized that in order to improve the lives of children, and thereby prevent juvenile delinquency, we needed to take a more holistic approach addressing all aspects of children's lives, rather than to continue a fragmented effort. Since August 1990, the Council has administered Office of Juvenile Justice and Delinquency Prevention Formula Grant funds to establish programs which offer a myriad of community-based solutions which invest time, money and services in children and their families. (List of grants attached.) Juvenile justice delinquency prevention begins at birth. We must continue to

broaden the criteria under which Formula Grant funds are awarded in light of this reality.

I was very pleased to learn of the passage of reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. I was particularly impressed with the new "State Challenge Program." Since Georgia has been in compliance with all of the mandates of the Juvenile Justice and Delinquency Prevention Act, thanks in large measure to a supportive Legislature, we have been able to focus funding on community-based alternatives to incarceration and prevention programs, including primary prevention. Here, in Georgia, we have already begun to address several of the "Challenge" activities:

1a. We have previously commissioned a study of the emotionally disturbed in the juvenile justice system. That report indicates that we have a lot of work to do in meeting the special needs of our juvenile population. Federal funds could help us in moving forward to begin addressing these issues.

1b. We have obligated money to the Department of Children and Youth Services to hire a Medical Director for the Department, in order to bring coordination and quality to the medical services offered those youth in the custody of the State.

2) We have studied and offered training for lawyers who work in juvenile court. We have funded a project in Fulton County which utilizes attorneys on a pro bono basis to assist in truancy matters. We would like to see attorneys required in all youth cases, but the reality is that we do not, at this time, have the money to expand indigent defense.

3) We have increased significantly the number of community-based alternatives to incarceration, including Chatham County's Home Detention Project, which allows youth to live at home with the use of electronic monitoring.

4) We have provided partial funding to "The Bridge," a private, non-profit organization, which provides short-term residential treatment for serious offenders. With these "Challenge" funds, we could expand this program to long-term and include violent offenders and possibly sex offenders who are in need of long-term treatment.

5) We have completed an exhaustive study of minority over-representation in the juvenile justice system. In response to this, we have increased cultural diversity training for all court personnel. Also, as a special condition of funding for our largest service provider, the Council has required that they use Office of Juvenile Justice and Delinquency Prevention funds to reduce minority incarceration and commitment rates. We could address gender bias in a similar manner should these "Challenge" funds become available.

6) Our office is positioned to serve as an ombudsman as contemplated by the Act as we have legislative authority to monitor and report on all out-of-home placements in the State. Under state budget cuts last year, we lost four staff people. With "Challenge" grant funds we could easily increase our service in this capacity.

7) Last summer, Senator Nathan Deal chaired a Joint Study Committee on Children and Youth. For the first time, key legislators and advocacy leaders began to discuss this very issue of removing status offenders from the criminal system and address them in a social service setting. Georgia is poised to move forward in the treatment of status offenders and could quickly begin to utilize these "Challenge" grant funds.

8) Our office funds several alternative schools and in-school probation programs. Again, there is a need for more programs in this regard which this Act could generate.

9) Georgia has already begun several important initiatives aimed at coordinating services. One is the Family Connection Project, which is a joint effort between the Department of Human Resources, Department of Education, and Division of Mental Health and Mental Retardation, servicing 14 communities in the State in a coordinated manner rather than a disjointed one.

It is my vision that one day we would have the political will to fund a program which would make available a trained Services Coordinator for every child born in this state. The Coordinator would begin his/her relationship with this child at birth, and would assess periodically the needs of this child and the child's family. If the child had needs which

the family could not meet, then the Coordinator would assist in helping them get social, mental, educational, financial, job, medical or other types of services needed through public and private agencies within our state. This would assure that all needs would be met for all children without costly duplication and prevent "the ball from being dropped" between service providers, both public and private. This comprehensive approach to child and family services provides the best hope of significantly reducing the number of juvenile delinquents in our State.

As you can tell, I am very proud of the pro-active efforts of our Council and our State. I believe we are on the right track in Georgia. Unfortunately, the need for resources and programs continue to increase, as our economy remains slow. The State must function as the engine of the train pulling towards creating a better standard of living for children. The money available through this Act provides the steam that allows the train to reach its destination on schedule. I urge you to fully fund the "State Challenge Program" so that the states can provide more preventative programs and community-based alternatives to incarceration. Here, in Georgia, we view prevention as an active process of creating conditions and personal attributes that promote the well-being of people. Your work in Washington encourages us to continue this philosophy.

Sylvia Ann Hewlett, a noted economist, stated in her recent book, When the Bough Breaks, that "angry, alienated youths not only detract from the quality of all of our lives, they also constitute a heavy drain on the public purse...the estimated cost of one wasted life is $300,000." There are currently in excess of 1 million people behind bars and over 2.6 million on probation or parole. At the rate of $15,000 per inmate per year, the cost of crime is mind-boggling. And further evidence tells us that for every person who goes to prison, two people don't go to college. Unless we invest wisely in our children and reduce delinquency, poverty, and violence our country will not lead the twenty-first century as we have the twentieth. The inheritance we leave our children and grandchildren will be one of hardship unless we make the sacrifice today and start spending our money more wisely. I urge you to increase funding

for the Formula Grants Program; make a minimum of 7.7 million dollars of the Discretionary Funds available for states to meet the state challenges; and require a strong evaluation component so that those states who participate in the Act are accountable for how they spend the taxpayers money. Also, when we find a program that works, such as Head Start, we should fully fund it. And those programs which do not achieve the desired results should no longer be funded.

The Juvenile Justice and Delinquency Prevention Act, if properly funded, and I submit that we cannot afford not to adequately fund this most important legislation, will give us the tools we need to build a better tomorrow.

Again, I thank you for allowing me an opportunity to speak with you about this most important issue. I urge you to find a way to double the funds available under this Act so that all of our children will have a fair chance of realizing their fullest potential.

Senator FOWLER. Thank you, Dr. Maxey, very much.
Dr. Napper, welcome.

STATEMENT OF GEORGE NAPPER, JR.

Dr. NAPPER. Thank you very much. We are delighted, Senator Kohl and Senator Fowler, that you are here in our State.

Georgians, like other citizens throughout the country, are very concerned about the soaring crime rate that is taking place, and especially the extent to which young men and young women and children and youth are being involved in these kinds of criminal activities. And obviously it called into serious question concerns about what our agencies are doing to impact on these problems, agencies such as mine, the department of children and youth services.

As you indicated, this was a department that was created earlier this year, on July 1, and I took over as commissioner on July 15. And for the last 90 days or so, I have spent a considerable amount of time trying to understand for myself what the gaps and deficiencies are in this department, what are the problems as I hear them not only from workers, members of our DCYS family, but also talking to youngsters and talking to the parents of youngsters, to get a feel for what is going on and what are the obstacles and impediments to doing the kinds of things that need to be done, to get a feel for not just the quality of our staff, but the quality of our services, the kind of cultures and environments that characterize the facilities where our kids are kept who are entrusted to our care.

I found out, independent of what others have already discovered, those who were involved in creating this department in the first place, people like our Governor and Lieutenant Governor and Senator Deal and Mary Morgan Oliver and others, that we have a system that is not working. Why is that the case? In my judgment, there are at least two compelling reasons why it is not working. One has to do with the numbers. We are basically bursting at the seams.

Mr. Slaton, in his testimony, talked about a Mr. Marshall and both of you made references to how great it would be for there to be many Mr. Marshalls and Ms. Marshalls who are involved with our kids. And indeed, there are many Mr. Marshalls and Ms. Marshalls who are involved with our kids. But the caseloads that they have are so overwhelming that it is impossible for them to give the kind of attention that they need to be giving, that these kids need to have from the Mr. Marshalls and Ms. Marshalls that we have. So at best maybe a phone call once in awhile or something else that fails to engage these youngsters in the way that they need to be engaged, and help them to get back on the right track and stay there.

In all of our facilities, we are seeing rooms that are built for one person having two and sometimes three kids in those rooms. These are facilities, the detention centers or the YDC's, where people spend a much longer period of time, where you would have maybe someone who has committed a homicide or a rape in there with someone who is a new offender. So we have that kind of mixture, which is also a basis for a concern in our department.

But basically in our detention centers, where we have 20 of them across the State, and for the YDC's, which are in some States called youth training centers, the environment and the culture is basically the same. It is characterized by hostility and antagonism. When you talk to staff about the issues and the problems that are there and especially in our larger YDC's, there is considerable preoccupation with issues of security and safety.

Just 2 months ago, I went to Augusta after the fact of 13 youngsters leaving in one night, running away, escaping. A primary reason for being there was to inform the citizens of Augusta that I was very concerned about the public safety implications of those youngsters running away. In assessing what the Augusta environment is all about, you see not only the fact of staff oftentimes being afraid of youngsters, certainly having been involved in arms-distance relationships with them, not engaging them in any way, youngsters being afraid of staff and when they are not afraid of staff feeling that staff really does not care about their well-being at all, and unfortunately youngsters being afraid of youngsters. This is in addition to growing numbers of citizens who live in close proximity being afraid of the institution.

But let us focus on this issue of youngsters being afraid of youngsters. There has been a lot of discussion, especially in law enforcement circles, about where do gangs come from, what are the conditions for gangs to exist, and why and how do they survive. It seems to me that in any discussion, any complete discussion about the etiology of gangs, you would have to look in YDC's to understand how some gangs do come into existence and how they survive even after youngsters leave the YDC's. We have situations where the Atlanta guys versus the DeKalb guys versus the Macon guys versus Savannah guys versus Augusta guys. And you see all the assaults take place, again primarily between youngsters but also oftentimes involving the staff as well.

So it is obvious that this kind of culture has to change, has to be transformed, and again I think it was the thinking of the Governor and others that the reason why this department was created was to impact on that kind of situation.

The second compelling problem, as I see it, is the virtual absence of programs. This is a great problem to our judges around the State who oftentimes find that if a youngster is to get any kind of treatment or any kind of attention at all, then what they have to do is commit them to the State as opposed to putting that person in a community-based treatment program where they would like for that person to be, and everything about that individual suggests that is where he should be, because the individual is not a public risk issue and can do what needs to be done in a community-based program. Well, the reality is that even though judges commit higher and higher numbers to us for that kind of treatment, there is none to be had in the State system.

We do have a lot of programs, but we do not have sufficient programs to deal with the magnitude of the problem that we are having, and the numbers game, again, is aggravated by the fact that youngsters are coming in at a rate faster than they are being processed out. We have too many situations where——

Senator FOWLER. Are there States that are models that we know of, that have these community-based programs in place that, if we had the resources, we would implement?

Dr. NAPPER. Yes, sir.

Senator FOWLER. Where?

Dr. NAPPER. There are—well, Massachusetts is probably the classic State and the one that most people make reference to, but there is even Utah, which might be a surprise to some people, where they have made a very strong and important commitment to the institutionalizing and having small, intensive programs that are built around particular problem areas that are being manifested by the youth who come there. For example, there might be a violent offender program or a sex offender program or a drug abuse program, programs where you have no more than 30 or 40 youngsters and you have the staff that is appropriate, that is engaging these youngsters in ways that are important so that there is some reasonable expectation that when they leave those programs, that they can plug into society in a way that is going to be law-abiding and productive.

But at the same time, Senator, they have not only these programs but they have a configuration of transitional programs, so that when a youngster leaves that setting, there is some gradual reentry back into the community, No. 1; and No. 2, when he is back in the community, there is intensive aftercare services that are in place, again to help these youngsters deal with the reality of reentering the family situation and the community situation, which in many cases triggered the problems to begin with.

Senator FOWLER. George, let—allow my friendship to interrupt you, just to let all four get in, so that we will have a discussion with all four in these introductory remarks. We do not have more than about another half hour.

Dr. NAPPER. Sure.

[The prepared statement of Mr. Napper follows:]

TESTIMONY BEFORE THE SENATE SUBCOMMITTEE ON JUVENILE JUSTICE
GEORGIA DEPARTMENT OF CHILDREN AND YOUTH SERVICES
COMMISSIONER GEORGE NAPPER, JR., PH.D.
October 21, 1992

I would like to thank Senator Fowler and the Subcommittee for the invitation to address the issue of juvenile justice in Georgia. I appreciate your efforts to better understand and improve the juvenile justice system nationwide, and I hope the information included in this presentation will be helpful to you.

The Georgia Department of Children and Youth Services was created by law during the 1992 legislative session and officially came into being July 1, 1992. The Department replaces what was formerly the Division of Youth Services under the Department of Human Resources. The Department is responsible for providing services to youth who come to the attention of the juvenile court on charges of delinquent or unruly behavior. Services range from intake assessments at the initial point of entry into the system to community-based non-residential services to short- and long-term residential services in one of the Youth Development Centers or an alternative placement.

I was chosen by Governor Miller to head the new agency and took office July 15th. I bring to this position many years of experience in criminal justice, having most recently served as the Chief of Police and the Commissioner of Public Safety for the City of Atlanta. I have first hand knowledge of the extent and severity of the crime problem in Georgia and the nation, and of the increasing role of juveniles in this problem. Juvenile arrests for index crimes increased 87% in Georgia from 1987 to 1991, and in 1991 juveniles were responsible for 13% of total arrests for index crimes in the state. Crime, particularly violent crime, has become a primary concern for citizens, especially since the mid-1980's, when the drug problem began to escalate dramatically. I understand that this high level of public fear has resulted in pressure on policy makers to establish more punitive sanctions for criminals, including juveniles. There is increasing support for locking up those who violate the law for longer and longer periods of time.

On the other hand, I also bring to this position a deep commitment to improving the lives of high risk and troubled youth. A vast majority of the youth who come to the attention of the juvenile court have more in common than the fact that they have broken the law. Many have been neglected or abused; been addicted to alcohol and/or other drugs; have untreated physical, mental and emotional disorders; have records of poor academic achievement; are from broken homes and/or dysfunctional families; have grown up in poverty-stricken environments; have inadequate social skills; and have few, if any, job skills they can offer in a competitive

market. Basically, all of these youth suffer from numerous unmet needs as a result of social institutions that have failed them. So, not only are they young people who present a public safety risk, they are also children who have many needs, and we have to find a way to balance both those realities.

PROBLEMS IN THE CURRENT SYSTEM IN GEORGIA

Since taking office, I have been travelling around the state inspecting the various programs operated by the Department and meeting with staff to hear their concerns and suggestions for improvements in the system. I have become familiar with our facilities, the services that we provide and the youth that we serve. I have also become painfully aware of the many problems that we face. I would like to share some of the major ones with you.

Changing Population

First of all, the number of youth who come to the attention of the juvenile courts and get committed to the custody of our Department is growing, and its composition is changing. In FY'91, the Department of Children and Youth Services provided services to 45,000 youth (this figure is not yet available for FY'92). For FY'92, approximately 3,500 youth were committed to the custody of our Department, and 1,588 were placed in a Youth Development Center. Commitments to the Department increased approximately 37% between FY'80 and FY'92. The largest increase, however, was from recommitments, which rose 79%, rather than new commitments, which rose only 19%. For FY'92, approximately 40% of our commitments were repeat offenders. Another difference in the committed population from 1980 to 1992 was by race of offender. Commitments for white youth decreased 13%, over this period, while commitments for African American youth increased 90%. Although African American youth make up only 37% of the population at risk, they account for 69% of commitments. The gender breakdown has remained about the same, with approximately 12% of the committed population being female.

The most common ofense committed is burglary, and most committed youth are between 14 - 15 years old. About 1 out of 5 committed youth has a history of repeated serious property offenses or violent crimes, 2 out of 5 have experienced abuse or neglect, and about 1 out of 5 needs intensive treatment for mental illness. In addition, approximately 85% of committed youth have some history of alcohol and other drug use. Committed youth are typically from homes that are poor and have no father figure present, and the average educational attainment is about sixth grade. More youth are being committed from rural counties, yet an increased concentration of juvenile crime is appearing in and around the more urbanized areas of the state.

While the largest number of commitments to the Department is

for property crimes, the number of youth committed for violent crimes is increasing. Violent offenders increased 86% from 1986 to 1992, with the most common offense being aggravated assault. In addition to being violent, 24% of these youth have serious alcohol and/or other drug problems, and 18% have serious mental health needs.

Another area where commitments have increased is sex offenses. There was a 61% increase in the number of youth committed for sex offenses between 1986 and 1991, with the largest increases being for statutory rape, child molestation and aggravated child molestation. Still another problem area is drugs, both use and sales. As mentioned previously, in FY'91 approximately 85% of committed youth had either experimented with drugs or had an established pattern of substance abuse, with 55% having gone beyond the experimentation stage. While drug sellers made up only 7% of the committed population in FY'91, their numbers increased 487% from 1988 (40 to 235). In addition, 19% of youth committed to DCYS exhibit mental health disorders requiring some type of treatment intervention, and it has been estimated that as many as 25% suffer from some type of emotional disorder. So, we are seeing more repeat offenders who are committing more serious crimes and who increasingly have other problems that need attention in addition to their delinquent behavior. When Lester Maddox was Governor of Georgia he was asked what it would take to improve the crime problem in the state, and his response was, "What we need is a better class of criminals." Perhaps this is even more true today.

Recidivism

Although treatment and rehabilitation services are provided to all committed youth, they are not entirely effective. As discussed above, we are experiencing an increase in recommitments to DCYS custody and others are being seen by the Department of Corrections. Complete recidivism figures are not yet available, as we just within the past few weeks became able to access adult probation data from the Department of Corrections. Data are available for youth who have served time in the YDCs, however. To measure recidivism, youth are tracked for a 30 month period. For those youth released from a YDC during FY'89, approximately 32% were recommitted to our Department, 7% were admitted to adult probation and 11% were admitted to adult prison, for a total recidivism rate of 50%. These repeat offenders are placing an increased burden on law enforcement and adult corrections as well as DCYS.

Racial Disparity

I mentioned earlier that from 1980 to 1992 commitments to our Department of white youth declined 13%, while commitments of African American youth increased 90%. The issue of racial disparity in Georgia's juvenile justice system is an issue that must be addressed. The University of Georgia's School of Social Work has recently completed two major studies on the subject.

While these studies offer some helpful suggestions, such as cultural competency training, a statewide computerized data base on juveniles and use of a risk assessment instrument to increase objectivity in decision-making, we have to do more.

African American youth now comprise 62% of admissions to our detention centers, 81% of admissions to our Youth Development Centers, and 85% of the youth under mandated sentences. Yet, they comprise only 37% of juveniles in Georgia. If we simply provide fair and equitable treatment to an ever increasing number of African American youth entering our system, as important as that is, we will have done nothing to address the problem. We must cut down the numbers coming to our attention by providing necessary services to these youth and their families: health, education, job training and family support services. These services need to be available to high risk youth and families before they get involved with the juvenile justice system, however, so that we do not send the wrong message. We do not want people to have to get involved with our system in order to get their basic needs met.

Community Services

Taking on additional tasks will be difficult for us at our current staffing levels, however. Particularly in the community-based services, my assessment is that court service workers and other direct service staff are overwhelmed by their workloads. The average caseload statewide is 53, and many of our workers are carrying 60, 70, or even 80 cases. Many of our staff are on beepers during weekends and evenings so that they can carry out their responsibilities to the juvenile courts with no compensation. Many workers also spend hours and even days on the road transporting youth to placements in other parts of the state for interviews, admissions and releases.

As I talked with field staff, they frequently mentioned the lack of resources available for our youth. We currently operate a wide range of services, including intensive supervision, electronic monitoring, probation, contract homes, group homes, community treatment centers and wilderness programs. In addition to needing to expand our capacity to provide more of these, we need services for youth with alcohol and drug problems, low-functioning youth, sex offenders, arsonists, youth from very dysfunctional families or with no families, and youth with significant mental and emotional problems. Staff do not want to incarcerate youth nor do they want to return them to environments which are unhealthy or dangerous. Resources other than corrections facilities are needed as well as placements that have a reasonable chance of meeting the youth's needs and prevent their reentry into our system or adult corrections.

Our case managers expressed the need for independent living programs for a growing number of 16 and 17 year olds leaving our programs and facilities. It is our hope that the provision you make in your proposed bill regarding transitional services for

homeless youth would apply to these youth being released from our custody as well. There is also a need for a more comprehensive aftercare program in general, for youth who return home following an out-of-home placement through our Department. With few exceptions, youth leaving our programs and facilities return to their homes and communities without the benefit of transitional services such as halfway houses or group homes. Such transitional services would provide youth an opportunity to experience a more gradual change from a very controlled environment to a less controlled one, while permiting them an opportunity to test out new skills and behaviors.

Conversely, youth in residential and non-residential community-based programs who exhibit unmanageable behavior or refuse to adhere to their conditions of placement currently know that they will face few, if any, sanctions unless they commit a new delinquent offense. Our case managers need to be able to apply negative consequences for irresponsible behavior. Staff should be able to transfer youth in serious violation of their conditions of community placement to more restrictive settings in order to provide more intensive supervision and to convince youth that their conditions of placement are important and are to be taken seriously.

We need facilities and programs such as group homes, halfway houses or forestry camps, which can facilitate a gradual transition to the community and can provide consequences and redirection to youth in the community. We must provide a range of services with differing levels of treatment and supervision so that youth may receive an appropriate mix of services and supervision, consistent with their individual needs and public risk.

Regional Youth Detention Centers

Youth who are determined to need close supervision during the time their cases are being considered by the court are held in our regional detention centers. These are designed to be short-term holding facilities, and we currently operate 20 of these throughout the state. Almost all of our centers are over capacity for males. Staff have discussed with me their concerns about the growing number of escape attempts, assaults on staff, fights between youth, suicide attempts and other behaviors which put both youth and staff in high risk situations. The large number of youth prevent teachers from providing adequate educational services and counselors from developing one-on-one relationships with youth.

Overcrowding is changing the nature of these short-term detention facilities so that they are becoming longer term programs without the necessary resources to do so. Additionally, such conditions contribute to an atmosphere of fear and intimidation, which undermines the kind of relationships that should be established in these settings. Many of the facilities themselves are also problematic, in that they are outdated and inappropriate for youth. Some do not meet standards and do not provide safe,

secure environments for youth or staff.

Youth Development Centers

Youth who are determined to need restrictive custody are placed in our Youth Development Centers. We currently operate 4 of these in the state, located in Atlanta, Augusta, Macon and Milledgeville. Most of the living units at Atlanta, Augusta and Milledgeville were built during the 1940s and 50s, and are in a state of disrepair. The living units offer practically no privacy for youth and make it difficult for staff to supervise youth for whom they have responsibility. Youth are so crowded together that the normal energy and impulsivity of adolescence can quickly turn into fights and property damage. With the exception of the Macon center and the new cottages at Augusta and Milledgeville, the living environment for youth in our centers is totally inadequate.

The Augusta and Milledgeville facilities, with populations of 250 each, are too large to manage effectively and allow us to provide quality individual treatment and rehabilitation. Staff in these large facilities are fearful for their safety and this fear acts as a barrier to treatment and rehabilitation. The youth themselves are fearful because of threats from other youth and they often present a tough uncompromising attitude as a self-defense mechanism. This situation is unacceptable. We must reduce the populations at these centers in order to provide a safe, humane environment. It is counterproductive for staff and residents to live in fear of each other.

In addition, there are not enough programs or activities for youth in our centers. We provide 6 hours of educational programming daily (Monday - Friday), year round, but the range in ages and grade levels makes it difficult to meet everyone's special academic needs. Our vocational courses are few in number and can manage only small numbers of youth at a time. We should be spending much more time and effort on vocational programming than we are currently doing. Many of our older residents do not wish to return to school, and many who do want to return find the barriers to doing so too difficult. Youth should have a marketable skill when they leave our facilities. There are large amounts of time when no activities are scheduled, and even time for physical activity and exercise is limited. As a consequence, youth are often restless and bored and get into trouble. Although some treatment programs are available, they are inadequate and often do not meet the needs of our youth. These programs and facilities have not been provided the resources they need to do the job they are being expected to do. The past sentiment appears to have been, "out of sight, out of mind."

Approximately 60% of the youth now in the youth development centers have court ordered sentences. In other words, they must remain there for a specific period of time. These youth are committed for specific felony offenses or by the superior court, where they have been tried as adults and are serving time in our

centers until they reach 17 and transfer to the adult system. They have little or no incentive to improve their behavior. Since we cannot offer a reduced sentence for improved behavior, we must find ways within the institution to motivate them to change and to reward them for positive behavior.

Lack of Adequate Medical Care

I am particularly concerned about the limited medical services in our facilities. American Correctional Association standards require that juveniles have daily access to health care services when necessary and that medical screenings be done on all juveniles entering our detention centers. The Georgia Chapter of the American Academy of Pediatrics has evaluated the health care needs of our youth and recommended that we have a medical director for the Department with expertise in adolescent medicine. This medical director would develop a coordinated health care delivery system and provide direction and quality control to our medical services.

The Academy also recommended that each detention center have a half-time nurse to provide on-site supervision of youth under doctor's orders, assist with sick call, screen medical complaints for referal and supervise and train non-medical staff in matters related to health care of juveniles. Currently, the detention centers have no on-site medical staff of their own and must rely on a physician who is available on-site only a few hours per week.

GENERAL

In summary, the current system is not working. Caseloads are too high, facilities are overcrowded and programs are too few to meet the needs of our youth. There is a chronic shortage of resources, and a lack of flexibility in dollars and laws that would allow us to address some of these problems. There is a lack of adequate assessment of youth coming into the system, and a lack of evaluation of programs to determine what is effective. There is too much money going into the back end of the system. Youth Development Centers are too big and the length of stay in them is too long. There is inadequate treatment and rehabilitation, and, consequently, high levels of recidivism. Youth do not get their needs met, and often return to their communities in no better shape than when they left. This situation has to change.

PROPOSAL FOR A BETTER SYSTEM

Taking the current situation into account, as we begin a new era of leadership in the Department of Children and Youth Services we must reassess our values, our agency culture and the way we do business. We must begin a different kind of dialogue among ourselves and with the families and children we serve that emanates

from a different set of attitudes based on new realities. We must shift our focus from safety, security, punishment and fear to treatment and rehabilitation. We must stop seeing the youth who come into our care as simply an embodiment of the crimes they have committed, and instead, come to see them as individuals with value and untapped potential to develop their unique strengths, talents and skills. We must replace relationships based on power and control with relationships based on trust, respect and caring. In essence, we must see the youth in our care as our own children, nieces, nephews and siblings, and create an environment in which they can, in turn, see us as parents, uncles, aunts and big brothers and sisters. We must strive to create for them the kind of healthy environment that will engage them physically, mentally, emotionally and socially, challenging them to grow and develop to the best of their abilities. We must accept responsibility for providing them the resources, support and nurturing that they need to heal and move forward with their lives.

To help us move forward with this new vision, we have adopted the following mission statement for our Department:

> The mission of the Department of Children and Youth Services is to provide an effective continuum of services including prevention, treatment, rehabilitation and aftercare to youth who are at risk, who have been referred to the courts for delinquent or unruly behavior, or who have been committed to the custody of the Department. Services will be provided in the least restrictive environment possible in accordance with the needs of the individual youth and the protection of the public, and, insofar as possible, will be community-based, family-focused and coordinated with other public and private providers.

In fulfilling this mission, the Department will accomplish the following goals:

* facilitate coordination and communication between service providers and other interested parties at all levels of government and in the private sector in order to improve service delivery;

* provide leadership to the state in the development of delinquency prevention programs and provide technical assistance to local public and private entities which operate prevention programs;

* form cooperative partnerships with other public and private agencies to plan, develop and implement a wide range of community-based alternative programs;

* provide adequate training so that staff are highly skilled and capable of providing quality personalized services to youth and their families;

- evaluate programs for outcome and cost effectiveness in order to improve quality of care;
- provide public education and advocacy on behalf of the youth and families that receive our services to ensure that they are treated fairly and that services are available to meet their needs;
- ensure that all operations of the Department are of the highest quality possible, and that they are conducted in safe, healthy, humane environments that enhance the dignity and sense of self-worth of both staff and those we serve;
- assure that resources are expended in accordance with the goals of the Department, and that a system of accountability is in place to provide accurate processing of fiscal transactions and safeguarding of Departmental assets;
- determine which youth require what degree of restrictive control and provide that control efficiently; and
- hold youth accountable for their behavior through the equitable use of sanctions.

In addition, as we go about our work, we will be guided by the following values:

- We will create for staff and youth alike a safe, healthy environment that will enhance the dignity and self-esteem of each individual.
- We will view ourselves as bonded together for a common purpose -- to provide the best possible prevention, treatment and rehabilitation services to our youth and their families.
- Youth must be viewed as unique individuals with untapped potential, and we will strive to provide them with the resources, support and nurturing that they need to heal and move forward with their lives.
- Our relationships with the youth who receive our services and with each other must be based on mutual trust, respect and caring.
- We will create comprehensive community-based and family-focused interventions in collaboration with others in order to have a meaningful long-term impact on the lives of our youth.
- We will provide quality programs and a climate in which both staff and youth feel a sense of personal safety and dignity.
- We will assure that youth are given the opportunities and

resources to develop their individual talents and skills. We will strive to have them leave our programs with the skills they need to live productive lives, including the ability to compete in the job market, continue their educational pursuits, and participate in their communities in a meaningful way.

* We will provide youth a supportive structure with clearly defined rules, combining discipline with caring, and making youth aware of the consequences of their behavior.

With our mission, goals and values to guide us, our challenge is to create a system that makes better sense, makes better use of resources, and meets the needs of the youth entrusted to our care. The law creating our Department gave us certain mandates that we must incorporate into our on-going services. There are other changes that need to be made as well, including our internal management, our programs and facilities, and larger policy issues. I would like to discuss some of these with you.

Prevention Services

One of the mandates given the Department was to expand our services to include prevention and early intervention components. Given that a majority of youth committed to DCYS custody are from low-income, single-parent homes, have problems with alcohol and drugs, often have untreated physical, mental and emotional disorders, have records of poor academic achievement, and have inadequate social and vocational skills, it is apparent that delinquency is closely related to many other social problems. Consequently, in order to be effective, prevention and early intervention programs targeted to reduce juvenile crime must deal with these other issues as well. Thus, in order to address our mandate, DCYS will actively seek to work in partnership with others who are involved in prevention/early intervention efforts. Where cooperative ventures have already begun, we would like to join in, and in areas where none have started yet, we would like to be instrumental in bringing these about. We want to be an integral part of a larger community coming together to address the needs of high risk youth and their families. In addition to developing resources for primary prevention, we need to provide our staff with manageable caseloads at the frontend of the system in order to keep youth from penetrating deeper.

As we develop these prevention programs, we envision them as being family-centered. To this end, we are planning to establish family resource centers in the eight counties which provide the majority of the commitments to our Department. These centers will offer a variety of services, including tutoring, parenting classes, alcohol and drug education, and individual, group and family counseling. We believe that the inclusion of families is critical to the rehabilitation of delinquent youth, and we intend to expand our services to include family involvement as much as possible.

Education

Another change brought about by legislation was to establish the Department as a separate school district. We currently operate full-time educational programs in our four Youth Development Centers and three community schools. We are in the process of working with the Department of Education to determine what steps we need to take in order to meet state standards for public schools. In addition to meeting state standards, we are also working with Cities in Schools to help us develop the type of educational environment that best meets the needs of our population, many of whom have experienced difficulty with traditional educational settings. We are working to improve the educational support services provided through our community programs as well, in an effort to make quality education a focal point of our intervention programs.

In addition, we plan to improve and expand our vocational education component. We would like to offer the kinds of skills training that will make our youth competitive in the marketplace and have them leave our programs with the confidence, ability and credentials to earn a living. We have begun discussions with professionals in the vocational/technical arena to determine how we can best enhance this aspect of our program.

Continuum of Care

Still another mandate was to provide a comprehensive continuum of care, so that youth committed to the Department or at risk of being committed could be served in the least restrictive environment possible, and insofar as possible, have those services be family-focused and responsive to local community needs. In making decisions regarding appropriate placement of youth, it is critical to balance the needs of individuals with the need to protect the public, which requires that a wide range of options be available. Although we currently operate a variety of programs, some residential and some not, these need to be expanded in order for us to be able to provide a comprehensive continuum of care. We are in particular need of specialized programs to meet the needs of our changing population, such as treatment programs for sex offenders, programs to address both drug users and sellers, intervention programs that deal with the increasing level of violence among youth committed to DCYS, and treatment programs for youth with serious mental and emotional disorders.

Some options we are exploring to expand our continuum of services include entering into collaborative agreements with public and private colleges and universities to augment our staff with skilled students and the expertise of faculty, the development of Family Resource Centers, expansion of our mentoring program, and contracting for additional services from private providers such as the Marine Institute. It is difficult, if not impossible, however, to expand services, contract with providers and establish new

programs without the necessary funding.

In the area of detention services, we are exploring ways to reduce the populations in these centers. This includes establishing alternatives to detention and ways to expedite movement from detention to other placements. While youth are in detention, we need to improve the educational, medical, recreational and other programs available to them. We also need to improve the physical facilities, so that they are safe, secure and humane. Improvements in this area will depend to a large degree on cooperative working relationships with the juvenile court judges as well as on the allocation of additional resources.

Although we are working to reduce the populations in the largest institutions, the Youth Development Centers, we realize that there are some youth who require restrictive control. Consequently, it is necessary to address the problems we face in caring for those youth for whom secure placement is needed. The Department currently operates four Youth Development Centers. These are secure long-term residential facilities for placement of those youth determined by the court to pose a high safety risk to the public. Three of these were built in the early to mid-1900's and are in a state of serious disrepair. Physical improvements need to be made in order to provide a safe, healthy physical environment for youth and staff. In addition, the quality of the programs offered in these facilities needs to be improved, so that youth can leave with the knowledge and skills they need to live productive lives. Improvements also need to be made in the provision of medical care, quality of food, recreational opportunities and overall social climate, so that both staff and youth feel a sense of personal safety. And, incentives need to be provided to motivate residents to make positive changes. Rewards such as movement to an "honors cottage" might be one consideration. A thorough assessment of the facility in Augusta is currently underway, and based on the final recommendations of the assessment team, changes will be made to improve both the physical and social environments as well as the programs provided. Similar studies will be conducted at the other facilities in the future.

Our goal is to be able to provide secure placements in facilities that are smaller and more humane, and that offer more specialized treatment options based on the needs of individual youth (i.e. sex offender, violent offender and substance abuse programs). Security is likely to be less a problem in a smaller facility, and staff-resident relations are likely to be much improved. We would like to be able to accomplish this "rightsizing" of these large facilities by having more alternative residential placements available. Again, in order to do this we need funding.

The last piece needed in a full continuum of care is a comprehensive aftercare component. This would include resources to gradually move youth from DCYS programs and facilities back into their communities. Aftercare needs vary from individual to

individual, but would include such services as group homes, halfway houses, work programs, day treatment programs, alternative schools, and for those older youth who have no real home to return to, assistance in establishing independent living. This could include tuition assistance for college, short-term subsidized housing, job training and social support services.

I was delighted to see the continuum of care issue addressed in your proposed ammendment, including aftercare services. It is our belief that if we could truly implement a comprehensive continuum of care system, with high quality programs, through which we could move youth from highly controlled settings to less controlled settings back into their communities, we could have an impact on recidivism. What we envision is a fluid system through which a youth could progress based on his/her behavior and ability to exhibit increased discipline and responsibility. Criteria for movement from one placement to another would be clearly defined, as would sanctions for inappropriate behavior. This type of system would be comparable to the "managed care" approach in health care. While the length of time a youth may spend in the custody of our Department may be extended in this system, the actual cost of care would be less, as he/she would not be confined to any one placement, such as a Youth Development Center, for a predetermined length of time. Within this framework, we particularly need to develop intermediate level placements and programs, such as boot camps, forestry camps and intensive day treatment programs. If we can truly have an impact on recidivism, we can lighten the load for both law enforcement and adult corrections, resulting in a cost savings which could then be reallocated into prevention and support services for high risk youth and families.

General System Improvements

In addition to specific improvements in our programs and facilities, there are some systemic issues that also need to be addressed. One of these is for more stringent hiring criteria for our direct service staff, so that we get workers who have skills and a sincere interest in working with troubled youth. We also need to improve our training programs, so that staff are continually updated on new information and more effective methods of working with our population.

We need a more flexible system so that we can quickly move financial and human resources where they are needed throughout the system. We will need to work with the Office of Planning and Budget and the Personnel Office around these issues. We need a legal framework that gives DCYS the authority to place youth according to treatment needs and needs for supervision while protecting public safety. This may require some changes in legislation or new legislation altogether, such as a revision of the designated felony law. We need to develop an objective, reliable classification system that evaluates youth for safety risks as well as needs, so that placement decisions can be more

informed. As discussed already, we need resources to develop alternative programs and placements, at the community, detention and restrictive custody levels. In addition, we need to evaluate the use of our current resources, to determine if they can be reallocated in some ways to make us more efficient and effective. We need to take measures to protect the legal rights of our youth and assure that they have due process. And, we need to explore the further utilization of privitization of services in order to increase our options. Finally, we need to systematically evaluate all of our programs to determine what is and is not effective, so that we can further maximize our resources and the positive outcomes for youth.

OUR CHALLENGE

The juvenile justice system has historically not been given a great amount of attention in the public policy arena, nor among child advocates. Delinquent youth are not generally considered a sympathetic population, and neither they nor their families typically have the resources or skills to advocate on their own behalf. Even when attention has been given to this system, it has usually been directed at law enforcement or at interventions after the juvenile has already been declared delinquent. Delinquency prevention programs have generally not been shown to be effective, although they often have not targeted delinquency or its cause directly and have not been evaluated adequately. And, because delinquency is so enmeshed with other social problems, it is often overwhelming to attempt to address some of the issues we know could have an effect, such as poverty, racism, unemployment, inadequate educational systems and dysfunctional families.

We must shift our focus, however, from the difficulties inherent in dealing with delinquent youth to the possibilities that we can create. Although the juvenile justice system continues to serve an increasing number of minority youth, there has been an absence of black leadership on this issue. We need to encourage the involvement of African-Americans in advocating for change, particularly those professionals with expertise to lend in this area. In addition, increased financial support for minority students to attend college would assist on two levels -- present opportunities to poor youth who might otherwise give up on their own academic careers and assist in preparing qualified minority youth to come to work in the system. Opportunities can be extended beyond the minority community as well, through such programs as requiring all college students to complete a set number of hours in community service work prior to graduation.

We must find ways to motivate others to become involved in this issue as well, such as establishing opportunities for police officers to work in our probation and/or aftercare programs. We can all advocate for improvements in education, as one of the strongest correlates of delinquency is poor academic achievement. We need to explore ways to involve both physical and mental health

providers in advocating for improvements in the juvenile justice system, as many youth we see have unmet needs in these areas. We all need to work toward establishing more support services for high risk families, and we need to find ways to involve the churches in our community-based activities. There is a role everyone can play in addressing the problem of delinquent youth, and, like other major social problems, it is a problem that affects us all in one way or another. We cannot afford to allow these youth to remain voiceless and invisible any longer.

As you can see, our new Department is faced with many challenges, but we are optimistic. As a new Department we are beginning a new day in juvenile justice in Georgia, bringing new values, new directions and new ideas. As we move forward in our efforts to improve and expand services throughout our system, we ask for broad-based support from government, business, other social service providers and the general public, as our ultimate goal of reducing juvenile crime is in the best interest of us all. We must keep in mind that we are not only working to change the lives of the individual youth and families that we serve, but also to change the social fabric of the future.

Senator FOWLER. Welcome, Judge Johnson. You have already been brought into this discussion several times, so I want you to be able to speak for yourself.

STATEMENT OF HON. GLENDA H. JOHNSON

Judge JOHNSON. Thank you.

Senator Kohl, Senator Fowler, I am very honored to be here as the chief presiding judge of the largest juvenile court system in the State, but also as a representative of the Georgia Council of Juvenile Courts. We welcome you here, but also we particularly welcome the committee's commitment to children and their families as we try to fashion some new remedies. And I applaud you for your leadership on what I think to be some very, very critical issues affecting our country.

I often say to parents who come into my courtroom that we have to all be reminded that our children are all we have with which to build the next generation of men and women. I often see my role on the juvenile court bench as being almost an intensive care unit. So many of these children are there because so many other systems in our communities have failed. But given that responsibility, I certainly think that we can do a far better job than we are doing, and so I am delighted to have this opportunity to share a few thoughts with you.

Let me just start by sharing with you that between 1987 and 1991, the number of delinquency offenses for which children were referred to my court here in Atlanta rose some 57 percent; the number of violent offenses during the same period increased by 300 percent and drug-related offenses, approximately 1,700 percent, which I find absolutely staggering.

If you look at that in the context of merely 10,000 children will come through my court this year, that as excited as we are and as strong a fan as Senator Fowler has been of the Braves even in times when he was out there practically alone in the stadium, I am really reminded of the fact that if we look at what the trends have been like between 1987 and 1991, and if we—assuming that we do not reverse, that things do not get better than where they are now, then we really are talking about a situation between 1991 and the time that we host the 1996 Olympics in this city, that there will be enough children that will come through my court system to fill every single seat in the Atlanta–Fulton County Stadium.

So therefore, we look at what we are faced with, and I would suggest to you that I, along with my colleagues on the bench, as we look at these children coming through, then we are required, as Joy has so wonderfully articulated—we are required to try to fashion what to do without an adequate complete assessment of the child's health, educational, social, and psychological needs. In the instance where a child is a delinquent offender, my choices generally range from putting a child on probation, committing him to the State, or in very rare and extreme situations, the option of binding that child over to be tried as an adult.

If I decide to put a child on probation, then he or she will join an average of 90 other children already on a probation officer's caseload. The juvenile courts, much like our foster care and mental health systems, generally have two choices for intervention; both

are at the extreme ends of the spectrum—minimum intervention or maximum intervention.

Quite candidly, Senators, I will tell you that the juvenile justice system in this country was designed to meet the needs of a very, very different era. Children now are brought into a court system that is better equipped to deal with children who commit burglaries, car theft for really the purpose of joyriding, or shoplifting. However, particularly in the past few years, we are instead receiving children who are drug pushers, who are in violation of weapons laws, who operate car-theft rings, not just stealing cars for the purpose of joyriding. Because of their criminal enterprises, they have no reluctance to use high-power, rapid-fire weapons to protect themselves, their illicit goods, and their turf. We know, based on the research of the National Council of Juvenile and Family Court Judges that is based in Pittsburgh now, that in this country between 1987 and 1991, the number of juveniles arrested on charges of murder rose 85 percent. I would share with you in my own court during the same period that that number exceeded 500 percent.

While we have seen some innovative programs that are making significant impact on our ability to serve children and their families, the availability and capacity of these programs are limited. Such programs, to name a few, are our truancy intervention project, which I think is just a remarkable example of what partnership can do and has grown out of a wonderful partnership with our court and the bar association locally. Our Urban League training and counseling programs, the Urban League has advocated and designed for children in my court and it is now being supported by IBM. The Violence Counseling Program that is housed here at the King Center, life skills programs at the Y, the list goes on—psychoeducational services, neighborhood dispute resolution programs, and we are trying to look more toward the option of mediation.

The least desirable program clearly is one which we have to use—incarceration in a remote facility, in a secure detention facility. We need assistance in increasing quality and quantity of our community-based programs. The programs which tend to be most successful are those which impact a child and family earliest. It seems that the success is more a function of early intervention rather than the scope of a program at a much later stage. I suggest to you that a younger child is probably less likely to be as hostile and is clearly, I think, more receptive. I have often said that we have a chance of really turning a child around at 13, that we may not have when he is 17 or we may not have when he is 23 and he is in the adult court system.

Let me rush on and jump down to the bottom line. I think we need community resources with programs and services which will specifically and effectively address the problems that confront our clients; individual and family counseling, substance abuse testing and therapy, programs that effectively monitor truants before we get to the whole cycle of dropouts, life training skills, and other programs with holistic approach.

I suggest to you some alternative strategies that I just share with you. I would suggest that we need to focus the limited resources, and we are all looking at the same problem—limited re-

sources whether we are talking about the Federal level, the State level, or the local level. We need to focus these limited resources at early intervention and more sharply on programs and services which would have a greater and more effective impact. As well, I suggest to you, Senators, that we would look at funding grants for a period of no less than 3 years, but perhaps as long as 5, in order to give sufficient time for program startup, operation, and most importantly, some meaningful evaluation of what works and what does not.

The current practice of funding grants for 1 year at a time is inefficient and it is ineffective because it takes sometimes nearly half the year just to staff the program and get it implemented.

Senator FOWLER. We have got to do better than that.

Judge JOHNSON. Absolutely—absolutely. Also——

Senator FOWLER. Anybody in either the Federal or State level, I say with great respect, Judge Johnson, just playing the devil's advocate, is going to accept the fact that it will take 6 months to staff and spend that money on everything but the child—that is the problem with a lot of the programs we have got right now, as you know, and the reason that a lot of the programs that we have right now do not have the public acceptance, much less have the results that you professionals and we policymakers have to demand.

Judge JOHNSON. I agree. And I also would add to you that we have got to be really clear about not tolerating poverty pimps. That if people do not demonstrate a record, a credible record of service to children and families, then they do not deserve to be funded. Because too often people will move from the hot issue of the moment, from homelessness to AIDS to children at—youth at risk, without having demonstrated a commitment. And therefore, I think that we have really got to be far more selective about what is being funded and the term that they are being funded for.

I will not take much longer, but there are two——

Senator FOWLER. Please.

Judge JOHNSON [continuing]. Two very quick points. It is no secret that I am new, I am a rookie. I thought my job transition was radical, leaving being a corporate lawyer for Delta Air Lines, to doing what I am doing now, but then I read Senator Kohl's bio, and I thought God, he has done a more radical change than I have.

But I tried very hard to be practical when I was a litigator and I am trying to be very pragmatic in my approach to the problems that we have faced every day. But I think we have got to be very realistic about what the mission of the juvenile court and justice system is. For juvenile offenders, our goal has to be to change behavior by reducing recidivism. When I came to the court 2 years ago, I looked at it and it said to me that I could expect 1 in 3 children committing a felony to be back before me on a new felony charge within 12 months. That is outrageous, and I do expect that we will tell a very, very different story by the year 1996, with some plans that we are putting in place.

We have—I absolutely believe in my heart that we have to intervene at a much, much earlier juncture in these children's lives if we are very serious about making a difference. There has got to be a radical reassessment of our priorities. We have got to look at what we are doing with first offenders as opposed to waiting until

the child is referred for the sixth time to my court on murder charges where a life has already been lost and another has been shattered. Otherwise, we are just treading water and we are nothing but the minor league farm team for the major league criminal justice system. That is unacceptable and too much is at stake.

I appreciate the opportunity. Thank you.

[The prepared statement of Judge Johnson follows:]

Testimony of the Honorable Glenda Hatchett Johnson

I am honored to speak to you today representing the Georgia Council of Juvenile Court Judges. I, along with my colleagues on the bench, welcome this committee to Georgia but even more importantly, we welcome this committee's commitment to making the Juvenile Justice System in this country more responsive to children, youth and families in trouble. I speak to you from a system in crisis. Our Juvenile Justice System has mandates to protect children who have been the victim of neglect and abuse; to restore juvenile offenders to productive, law abiding citizens, to protect communities from increasingly violent and serious offenses committed by children and youth. As the number of cases, children and families coming to our courts continue to grow, satisfying those mandates requires us to do more without a commensurate increase in resources.

Between 1987 and 1991, the number of delinquency offenses for which children were referred to the juvenile court in Atlanta increased by 57 percent. The number of violent offenses during the same period increased by over 300 percent, and drug related offenses by approximately 1700 percent. Today, in Fulton County, our daily average of new case filings in the Juvenile Court is 44; 10 children are admitted to the secure detention center each day. When the children who are the subject of these complaints appear before the court, I and my colleagues on the bench will be expected to fashion a plan to address the problems that brought each child to the court, we will need to do so without a precise or complete assessment of the child's health, educational, social and psychological needs. In the instance where the child is a delinquent offender, my choices will generally be limited to placing the child on probation, committing the child to the Georgia Department of Children and Youth Services, or in rather extreme cases, binding the child over to the criminal justice system to be tried as an adult. If I decide to place the child on probation, he or she will join an average of 90 others on a probation officer's caseload. I would have the expectation that officer will find the time and resources to adequately address the child's needs. If the child who appears before me is in need of protection, I will have the option of returning the child to the parent or entrusting the child to an overburdened foster care system.

The juvenile courts, much like the foster care and mental health systems, generally have two primary choices for intervention: unfortunately, both extreme - minimum intervention or the opposite - maximum, with few choices in-between. The juvenile justice system was designed to meet the needs of a different era. The courts are better geared to service a delinquent child who has committed burglary, auto theft for the purpose of joy riding, then abandoning of the car, and shoplifting. For the past few years, we are instead receiving children who are drug pushers, are in violation of weapons laws, and who operate car theft rings. Because of their

criminal enterprises, they have no reluctance to use high power, rapid fire firearms to protect themselves, their illicit goods and their turf. While we have seen some innovative programs that are making significant impact on our ability to serve children and their families, the availability and capacity of these programs are limited. Such programs, to name a few, are Truancy Intervention Projects, Parenting Skills Instructions, psychoeducational services, neighborhood dispute resolution, intensive supervision of children who are at highest risk and on probation. The least desirable program is any which would require incarceration in a remote, moderate to long-term, secure detention facility. We need assistance in increasing the quality and quantity of community based programs. The programs which tend to be most successful are those which impact a child and the family earliest. It seems that the success is more a function of early intervention rather than the scope of programs at a later stage. In fact, often times the range of services required by a child and the family is less at the time of early intervention than it would be later - when the problems have become much more varied and severe. As well, the attitude of a younger child is usually less hostile - more receptive, than is that of a older child.

The contemporary juvenile court needs validated assessment tools which will assist us in ascertaining the needs of children referred to the court and those of their family. We need community resources with programs and services which will specifically and effectively address the problems which confront our clients: individual and family counseling, substance abuse (including alcohol) testing and therapy, truancy monitoring, life skills training, and other programs with a holistic family focus.

The Office of Juvenile Justice and Delinquency Prevention, as part of the federal government, is facing the same kinds of challenges as our state and local governments: increasing demand for service but limited resources for providing that service. We have a tendency to attempt to spread resources over all areas needing attention, with the plea to everyone to "try harder". I would suggest an alternate strategy - that of focusing the limited resources at early intervention and more sharply on the programs and services which would have the greater and more effective impact. As well, I would suggest that grants be funded for a period of no less than 3 years, but perhaps as long at 5, in order to give sufficient time for program start up, operation, and evaluation. The current practice of funding grants 1 year at a time is inefficient since it often times takes nearly half of the first year to staff and implement the funded program. The Office of Juvenile Justice and Delinquency Prevention, as must the local courts, must be flexible enough to respond with grants, research and data to respond to changing the trends and demands for differing types of services.

We must be realistic about the mission of the Juvenile Justice System. For juvenile offenders, our goal is to change behavior by reducing recidivism. This is in the interest of both the child and community. We may be able to provide desirable services for a child or family,

but if these services do not contribute to a reduction in delinquent behavior, we are not actually accomplishing our goal in working with delinquent children. The courts cannot be all things to all children, regardless of the desirability of the service. We must recognize that accomplishing this goal will require a variety of resources and contributions from agencies and communities that support the Juvenile Justice System. The courts cannot do it alone.

Senator FOWLER. Thank you, Judge Johnson, very much. [Applause.]

Senator FOWLER. And last, but certainly not least, Rick McDevitt. Thank you for your public service and your patience.

STATEMENT OF RICK McDEVITT

Mr. MCDEVITT. Thank you, sir. Thanks to you, Senator, I do not need an introduction. I am very flattered, you make my day, so thank you very much, sir.

The Georgia Alliance for Children is a 13-year-old privately funded children's advocacy organization. We are funded by over 300 corporations, foundations, and thousands of individuals, Senator Fowler being one of them. And we appreciate all your help and support.

We take credit for creating the environment for change that now places Georgia's terrible juvenile justice system at the brink of reform: 5 years of work in educating the public through extensive use of the media and smart legislative work paid off in the establishment of the new department of youth services that Commissioner Napper now heads. Its mandate is less incarceration and to shift energy and resources toward establishing community-based programs. In short, getting to troubled youth sooner than later. And let us make no mistake about it, the issue that affects our children and this juvenile justice system has to do with unnecessary incarceration—we just lock up too many kids that do not need to be.

During those 5 years, we conducted two independent evaluations of the system. In 1985, then chief justice of the Georgia Supreme Court, Thomas O. Marshall, chaired the first statewide study and in 1986, then Superior Court Judge Clarence Cooper, looked at the Fulton County system, which includes Atlanta. The conclusion of both studies and subsequent observations was clear; Georgia's juvenile justice system was not a pretty picture. It is not only expensive, but it does not work for the kids, the community, or the larger society. It is nothing more than a feeder into the adult criminal justice system. It picks on low-income minority kids and most kids locked up are not a serious public risk. It costs $39,000 a year in this State to incarcerate a youth who is likely to be a shoplifter, truant, or wise guy; $39,000 is enough to make a family of four middle class.

The system is terribly confused. It masquerades as a treatment and rehabilitation model. Quite frankly, it is little more than a warehouse system with poor accountability. It lacks standards and operates in the dark under the guise of confidentiality, supposedly to protect the youth from being stigmatized. We found this very interesting and in effect a great detriment to the child. Let me explain. If the police can search a kid's school locker and arrest him in front of 600 other kids, then what possible use could the so-called confidentiality have except to protect the courts, judges, and youth services system from scrutiny. We believe that all juvenile delinquency matters should be held in open court. Deprivation hearings should remain closed to assure privacy of sensitive family matters. If we really loved children and wanted the very best for them, then we would educate and protect them. Unfortunately, we have done neither. Let us face it—we must think and act differently if we want results.

Here is some useful information. The overwhelming number of children in our society are not looking for drugs, guns, or trouble. Most are looking for a date for this weekend. They are going to school, minding their parents, and trying to grow up.

The second category is the much talked about at-risk group. These kids are identified by parents, schools, police, and the courts. They often are having a bad case of adolescence and experiment with behavior that can get them into trouble. We know this group well, they are having a tough time adjusting and growing up. Given enough time, most will grow up and do fine. They need understanding, guidance, and love.

The last category are the bad actors, kids who are dangerous and seriously disturbed; killers, rapists, and so on. This group represents only about 15 percent of all those who come into contact with the system. The real bad news is they get 100 percent of the notoriety. Too often, public policy is driven by this group alone. The public gets scared by reports of gangs, drugs, and violence. Politicians react with cries of getting tough, stop the coddling, and let us build the fences higher. We are very worried that all this works against the kids and they are powerless to set the record straight or stop the hysteria.

We must have reasoned and thoughtful public policy. Most kids can be better served in settings close to home and with appropriate levels of supervision. For dangerous offenders, we need small high-security facilities, as Dr. Napper mentioned, and the act supports this and we believe that that is the right way to go.

The truth is, violent crime—this is very important—violent crime has been flat for the past 10 years. And I have included in your packet—if you do not believe it, I have attached a graph of the FBI and Census Bureau statistics which says that juvenile crime is flat. Perception, I am afraid, is more powerful than reality. If we have got 500-percent increases here in Fulton County, somebody had better check the water and find out if there is some reason why our kids are worse than the national averages. And I think that that requires some investigation.

The value of the OJJDP money and leadership is to create community-based programs that have a chance to reach that second category of at-risk kids sooner than later. Later is expensive training schools and graduation to adult prisons. Our study, and our Governor's agenda, is clear. Reduce unnecessary incarceration of our youth, close possibly one or two training schools, and redirect those funds into community-based programs. The State challenge portion of the act can help create a marketplace for those programs to actually flourish in. It can set up a network in these programs throughout the State ready to serve our youth and be recipients of those redirected funds.

My faith is in programs like the Community Care Program here in Atlanta. Its mission is simple; it is to keep inner-city kids alive, in school, and out of jail. A 90-percent success rate in the latter and 100 percent of the kids today are alive—no small feat. The program operates in what the police call the war zone of Atlanta. Programs like this should be supported, they work, they care, and more need to exist. And you can help make it so.

In conclusion, we are sick and tired of the quickness to write off kids in trouble, especially low-income, minority kids. The juvenile justice system is a poor excuse for a place for anyone to get help or results. Yes, it stinks, and to cut the influence or funds to OJJDP would have chilled attempts to bring about a more enlightened approach, which Dr. Napper and Judge Johnson have talked about today, and that is getting the early intervention and prevention programs in place. Millions of kids can be touched differently by the system and be better off for it. We want that, you want that, the public wants that, let us have that.

And I am at your service to answer any questions that you might have. Thank you. [Applause.]

[The prepared statement of Mr. McDevitt follows:]

Testimony of Richard L. McDevitt

Good afternoon. I am Rick McDevitt, President and Founder of the Georgia Alliance for Children. The Alliance is a thirteen year old, privately funded children's advocacy organization. We are funded by over 300 Corporations, Foundations and thousands of individuals, Senator Wyche Fowler, being one of them. We appreciate all your help and support.

We take credit for creating the "environment for change" that now places Georgia's terrible Juvenile Justice System at the brink of reform. Five years of work in educating the public through extensive use of the media, and "smart" legislative work paid off in the establishment of the new Department of Youth Services. Its mandate is less incarceration and to shift energy and resources toward establishing community based programs. In short, getting to troubled youth sooner than later.

During that five years we conducted two independent evaluations of the system. In 1985, then Chief Justice of the Georgia Supreme Court, Thomas O. Marshall, Chaired the first statewide study and in 1986, then Superior Court Judge Clarence Cooper, looked at Fulton County, which includes Atlanta. The conclusion of both studies and subsequent observations was clear. Georgia's Juvenile Justice System was not a pretty picture. It is not only expensive, but doesn't work for the kids, the community or the larger society. It is nothing more than a feeder into the adult criminal justice system. It picks on low income minority youth and most kids locked up are not a serious public risk. It costs $39,000 a year to incarcerate a youth in Georgia who is likely to be a shoplifter, truant and a wiseguy. $39,000 is enough to make a family of four middle class!!

The system is terribly confused. It masquerades as a treatment and rehabilitation model. Quite frankly it's little more than a warehouse system with poor accountability. It lacks standards and operates in the dark under the guise of "confidentiality", supposedly to "protect" the youth from being "stigmatized". We found this very interesting and in effect is a great detriment to the child. Let me explain, if the police can search a kid's school locker and arrest him in front of 600 other kids, then what possible use could the so called "confidentiality" have except to protect the Juvenile Courts, Judges and Youth Services System? We believe that all delinquency matters should be in open court. Deprivation hearings should remain closed to assure privacy of sensitive family matters. If we really loved children and wanted the very best for them we would educate and protect them. We have done neither. Let's face it - we must think and act differently if we want results.

Here's some useful information. The overwhelming number of children in our society are not looking for drugs, guns or trouble. Most are looking for a date for this weekend. They are going to school, minding their parents and trying to grow up. The second category is the much talked about "at risk" group. These kids are identified by parents, schools, police and courts. They often are having "a bad case" of the adolescence and experiment with behavior that can get them in trouble.

We know this group well - they are having a tough time adjusting and growing up. Given enough time most will grow up and do fine. They need understanding, guidance and love. The last category *are the "Bad Actors", kids who* are dangerous and seriously disturbed. The killers, rapists and so on. This group represents about 15% of all those who come into contact with the system. The real bad news is they get 100% of the notoriety. Too often public policy is driven by this group. The public gets scared by the reports of gangs, drugs and violence. Politicians react with cries of "getting tough, stop the coddling and let's build the fences higher". We are very worried that all this works against the kids and they are powerless to set the record straight or stop the hysteria. You must shape reasoned and thoughtful public policy. Most kids can be better served in settings close to home and with appropriate levels of supervision. For dangerous offenders we need small high security facilities. The act supports this and so do we.

The truth is violent crime has been flat for over the past ten years. You don't believe it? I've attached a graph of FBI and Census Bureau Statistics. Perception, I'm afraid, is more powerful than reality.

The value of the O.J.J.D.P. money and leadership is to create community based programs that have the chance to reach that second category of at risk kids - sooner than later. Later is expensive training schools and graduation to adult prisons. Our studies, and now our Governor's agenda is clear. Reduce unnecessary incarceration of our youth, close one possibly two training schools and redirect the funds into community based programs. The state challenge portion of the O.J.J.D.P. funds can help create a marketplace for these programs. It can set up a network of these programs throughout our state ready to serve our youth and be recipients of these re-directed funds.

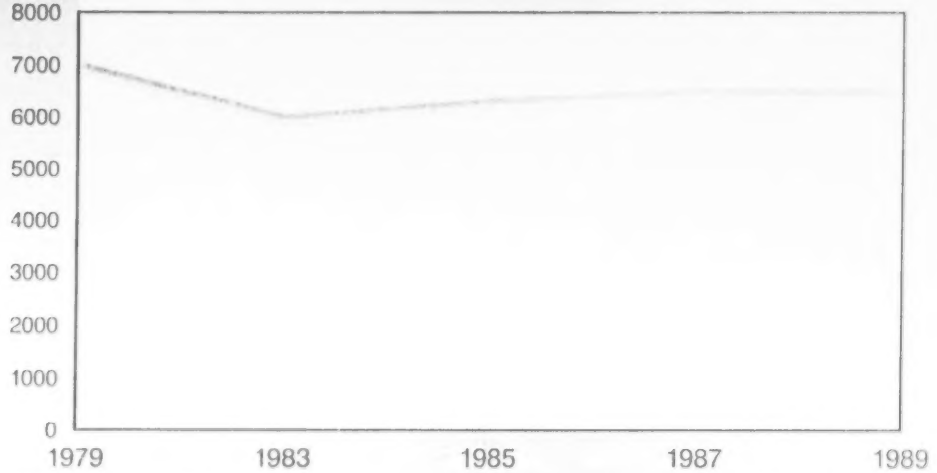
My faith is in programs like the Community Care Program here in Atlanta. Its mission is to keep inner city kids alive, in school and out of jail. A 90% success rate in the latter and 100% of the kids are alive. No small feat. The program operates in what police call the "war zone" of Atlanta. Programs like this should be supported - they work, they care and more need to exist. You can help make it so.

In conclusion, we are sick and tired of the quickness to write off kids in trouble, especially low income minority kids. The Juvenile Justice System is a poor excuse for a place for anyone to get help or results. Yes, it stinks and to cut the influence and/or funds to O.J.J.D.P. would chill attempts to bring a more enlightened approach to Juvenile Justice prevention and intervention anywhere in our country. Millions of kids can be touched differently by this system and be better off for it. We want that, you want that, the public wants that - let's have that. Vote to support re-authorization. I am at your service to answer any questions you may have.

Thank you.

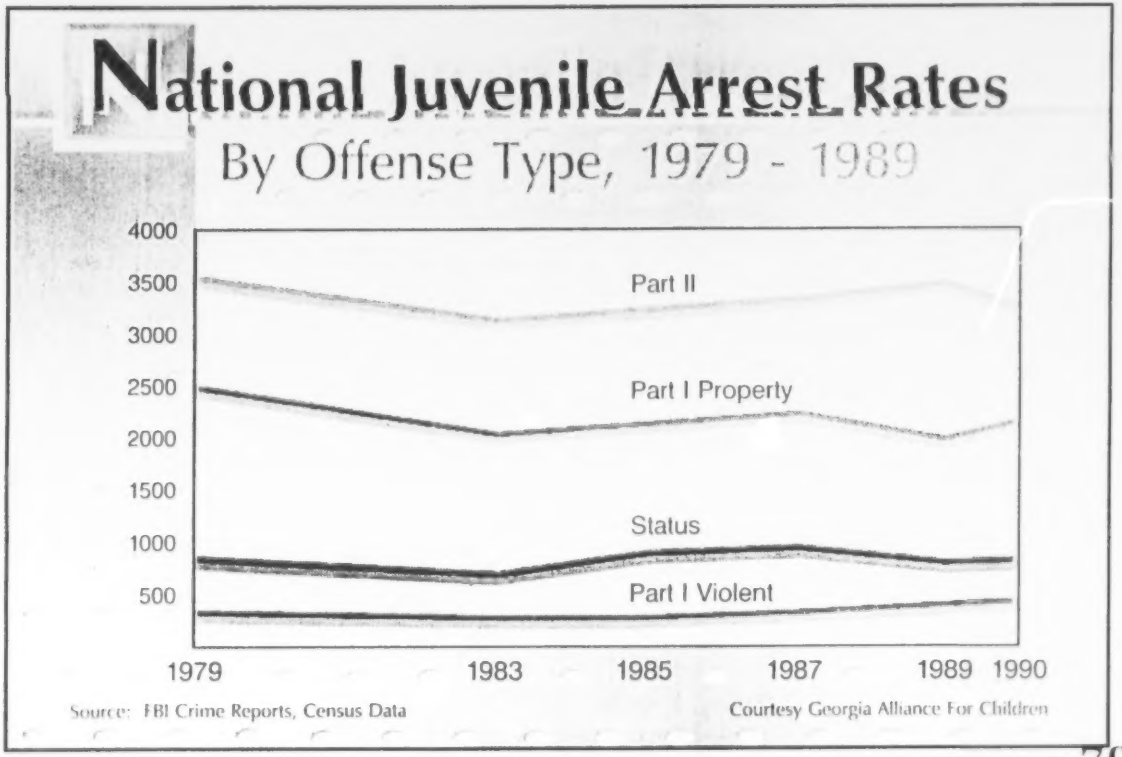
National Arrest Rates, All Offenses

1979 - 1989



Source: FBI Crime Reports, Census Data

Courtesy Georgia Alliance For Children


National Juvenile Arrest Rates
By Offense Type, 1979 - 1989
4000
3500
3000
2500
2000
1500
1000
500
Part II
Part I Property
Status
Part I Violent
1979
1983
1985
1987
1989
1990
Source: FBI Crime Reports, Census Data
Courtesy Georgia Alliance For Children

Senator FOWLER. Thank you all very much.

Let me first ask a naive question, but I would like the answer from experts. If, as we know, and as Judge Johnson mentioned, we have a 50-percent recidivism rate at least, why do we continue to fund such a juvenile justice system that has such a sorry record?

Dr. NAPPER. I think it is not a naive question, it is a very good question. I think the problem basically, as I indicated, Senator Fowler, is that we do not have in place the programs that are needed to impact on recidivism rates. Youngsters are leaving—let me just refer to another study done by Judge Johnson's court. They looked at youngsters who were committed in 1986 through 1989, and they had a 93-percent recidivism rate, 93 percent of those youngsters had adult records. Of that 93 percent, 90 had been convicted on felony charges and the others had felony charges pending.

Now people looking at the system without understanding what the content of the system was all about, will believe that the rehabilitation program is not working, the treatment programs are not working, when in fact, all we have been doing is to give lipservice to rehabilitation and to treatment. What we have in place is what has been in place for a long time. It is a posture that some of us talk about as kick butt, take names, that whole tough thing. The reality is that that has not been effective—it has not been effective. And there is a need and there is a time for us to change our strategies to put in place what needs to be put in place, and to give rehabilitation and treatment a chance to operate.

Senator FOWLER. But what will it take to make that change?

Judge JOHNSON. You have got to get there earlier—you have just got to get there earlier.

The problem with the study that Dr. Napper talks about is that those children typically did not get the intervention early enough to make a difference. And if I could just take a few seconds to tell you about one of the more sobering situations that I saw when I went on the bench, with a 15-year-old child before me on first-degree murder. That child, the neighbors who came in all testified, Judge, this is a great kid. But what he said is, "Judge, I did kill the man, I shot him in the back with a .357 magnum." But what he did go on to say is that he went out at 13 and began selling drugs to support his mother's and his grandmother's drug habit because he was tired of seeing his younger siblings in the house with no food and no lights. And I said, my God, why did someone not pick up the phone, why did somebody not intervene when they knew those children were suffering, why did it take a murder petition for us to get that child in the posture of doing something, because that had not been his first referral to the court.

Now you have got to stop it at some point. And at some point you have got to figure that the only way that we are going to make a significant impact is that we have got to touch these children's lives much, much earlier in the process, and not before I am there with the option of whether I bind him over, which I did not in that case, or whether I commit him on first-degree murder charges. We had several opportunities to intervene in that child's life earlier, and did not do it.

Mr. MCDEVITT. May I answer your question, Senator?

Senator FOWLER. Please.

Mr. MCDEVITT. Let me agree with you and come at it slightly different. I do not think that if we just gather up some money and put some more programs in place, we are necessarily going to get the results. I think that we have to literally shake this thing up and rethink it. I mean, I think that that was part of the testimony here today, that the thing is not designed for today's problems. But I think what we have got is a classic case of institutional budgets competing against community-based program budgets, and when we get over in the legislature, the institutions get funded and the community-based programs get cut.

So I think all of the talk about we need to do this, we need to find a way to do that, and the suggestion of Senator Deal and several others is that we have to reduce the amount of bed space that we have in this State, because most of the kids locked up do not need to be, and redirect those funds. And then we are going to have a different system. But as long as we have those bed spaces, unfortunately we are going to have police and courts that fill them, and unfortunately they are going to fill them with low-income minority kids. And if we are going to stop this, then we are just going to have to do radical surgery and change what we have been doing.

Judge JOHNSON. Not all courts and not all judges—I could not resist that.

Senator KOHL. Just a comment. Did you say that you see 10,000 kids coming through your court a year?

Judge JOHNSON. Well that is going to be delinquent and deprived, probably right at 10,000 this year.

Senator KOHL. Well is it possible to give the kind of attention that you are pleading for to 10,000 kids a year in a careful and deliberative way.

Judge JOHNSON. That is part of what I did not finish reading in my testimony. I think that a lot of this is going to have to happen, the courts cannot function in isolation and so a lot of what we have to do, Senator, has to be the kind of partnership that we are trying really hard to create. And I am fortunate to live in a community where we have got enlightened leadership, and to be able to create partnerships with the universities, business institutions, social institutions, churches in this community. But ultimately what has to happen is what Joy has talked about today, is that we have really got to be able to see the red flags earlier in a way that these children are not there.

So I see a two-pronged approach, that we are doing more with early education for children in a way that we are not getting them there, but once they are there, I think we can do a hell of a lot better than we are about making sure that they are not there and that we get them back on track.

Mr. MCDEVITT. Senator, can I respond to something you said? Where I disagree with you somewhat is that I think the community-based programs ought to be there to keep kids from ever coming to your court. I do not think that we ought to be prescriptive at the juvenile court level. I think that we need to be prescriptive in the sense that keeps kids from ever coming to the juvenile court. So I do not think that we ought to wait until we get a kid up on charges and in front of a judge before we start to think about what this kid needs. I think that if we are going to talk about getting

there sooner, I think that we need to depend on families, churches, and community and not on systems and lawyers and procedures and all these other things that have traditionally failed our children. That is how we got to be 50th in the country and we did not get here overnight.

Dr. MAXEY. Senator Fowler——

Senator FOWLER. We have in Atlanta, as you all know—I remember 10 years ago, maybe even 5 or 6 years ago, we were at a hearing like this trying to put our best thoughts together, talking about single-parent families, what do we do about these single-parent families. Well we now have gone from that to no-parent families.

Judge JOHNSON. That is right.

Senator FOWLER. We have got thousands of kids in Atlanta and cities all over with no parents. Now who wants to tackle that one?

Dr. MAXEY. I will.

Senator FOWLER. Go ahead.

Dr. MAXEY. I think the issue here in terms of—you are talking about two different things. One question you are asking is what do I do with—what do you as a Senator do with me as a citizen's tax dollars to try to help these problems that affect us all as citizens in each and every State in this country. And what—the answer to that question is that you need to restructure. You need to rethink, you need to relook, and you need to understand, in light of what we know in the fields of pediatrics and adolescent medicine and psychology to be the case with children and how they develop and the things that they need along the way. We have very clear data, they are very available.

And I think that we need to restructure how this money is given and what it is given for. And that is what I am saying, we feel somewhat restricted in terms of what we can fund through the Coordinating Council because of the JJDP guidelines. And if these guidelines were more facilitative toward earlier and earlier intervention in the first and second grade child, better yet in the 4- and 5-year-old child or better yet in the nursery at Grady Hospital and Northside Hospital, that is where you are going to get the ultimate intervention and that is where you are going to keep people from ending up in front of Judge Johnson the first time.

So from a legislative perspective, we need to rethink and then restructure what the rules of engagement are for obtaining these grant funds, and encourage people to be communicative, cooperative, and innovative in solving the problems at a community level.

In answer to your second question about, you know, double-parent families, single-parent families, and no-parent families; obviously what I do day in and day out, I see families, I see all kind of families. I have the traditional intact nuclear family that most people bring to mind. I see single-parent families. I even see some children who really have no parents.

And in response to what do we need to do about that, again, it becomes a community question. And I think for people that are in all families, whether there are two parents, one parent, or no parents, there needs to be community resources available, again as Mr. McDevitt has said, through the churches, through community centers, through the Y's, through the civic organizations, the Rotary, the Civitan, the Kiwanians. These people need to understand

that this is not my child or this is not your child, these are our children. And we are responsible for all of these children in a community sense.

Senator FOWLER. Do we not have a great opportunity with the Atlanta project, the Carter project to test many of these—of your ideas?

Dr. MAXEY. I think we have an excellent idea; yes, we do, and we are working with them.

Mr. MCDEVITT. You stole my op-ed piece, the way you are looking at it.

Senator FOWLER. No, I did not see your op-ed piece, I will bet you did not see mine either. [Laughter.]

So tell me about it.

Mr. MCDEVITT. I could not agree with you more, Doctor. I think that community-based programs is the way to go. I have a very fortunate circumstance. I have an office now in the inner city of Atlanta, I moved off of Peachtree Street some time ago, in a youth center that is named after me, which I am extremely honored, especially since I am still breathing. As you politicians know, it is usually after you stop breathing that they name something after you.

Day in and day out, I see parents that love their children and simply need help to get on their feet, and the help is not there. The only place—and I will be very brief with this—there are four places that people go for help. First is their family and if they run out of help there, they go to the church. And if they run out of help there, they go to community-based programs like community care programs or Salvation Army or food banks or things like that. The fourth place that people go, and only out of desperation, is to government, to receive services. And they cannot be on their way to failure to get services from the Government. They have to go in and prove that they are already there.

I think that we have got a terrible, terrible problem by prescribing more government, let us put more kids in foster care, as if that is going to take care of them, or more kids through the juvenile court, as if that is going to take care of them. And I know that sounds awful Republican and I am not, but I think that it is an excuse for us to find ways to strengthen families and get them on their feet with the kind of jobs programs and training programs that are necessary. And nobody here has talked about jobs and economics in terms of parents adequacy in being able to control and provide for their children. I think that it is very, very important that there is a much larger picture here than simply establishing programs that are going to give kids more counseling.

Senator FOWLER. Well my op-ed piece, just for one editorial comment, my op-ed piece says you never begin to solve the crime-in-the-streets problem until you have a return to $8 to $10 an hour jobs in this country because we do not have any place for kids who want to work and be self-supporting—it gives them very little chance to do anything except take the money from the drug dealer. So I am pleased to hear you say that.

Dr. Maxey, I—the first thing she said was juvenile justice prevention begins at birth. I would agree with that, we would all agree with it, but we are not going to do that any time soon. What we

have got to figure out a way to do is to combine both the health resources and the education resources. I assume that—you can tell me, I may be dead wrong—when you talk about the health of a teenager, that 90 percent of their health problems are sexual diseases. They are certainly healthy every other way. Tell me what to do about that.

Dr. MAXEY. That is a misconception. Adolescents overall have the poorest quality of health of any demographic group in the United States, as documented by the adolescent white paper produced by the AMA 4 years ago.

Senator FOWLER. Well that is why we are here, to learn.

Dr. MAXEY. And it is not just—certain sexually transmitted diseases are important and that is an issue with adolescents.

Senator FOWLER. What are their health problems?

Dr. MAXEY. Many children have chronic conditions that all of us have, such as asthma, diabetes that is undiagnosed or inadequately treated, that impacts on quality of life. Many teenagers, again related to economics, are malnourished. I know people find that hard to believe, but I trained here at Grady Hospital and I saw children who had "Third World diseases" such as marasmus and kwashiorkor, just as if I had been on a missionary trip with my church in the middle of Africa. And it is not something that is isolated to the Third World, it exists three blocks down the street.

And the other problems that have impacted teenagers to a significant degree are mental health issues. Depression is a real disease, it is not just a state of mind, it has a biochemical basis just as asthma, diabetes, or any other disease known to human beings. And most of the onset of things like depression are in adolescence. Most of the time this is not even thought about, let alone diagnosed and adequately treated, especially once one enters the juvenile justice system.

Other diseases such as collagen vascular diseases which are related to things like lupus, dermatomyositis, juvenile arthritis have onset in adolescence. Oftentimes children come into my office complaining of just fatigue and malaise as we used to call this in the old days, and you start talking and you start looking and you start testing and you find out, lo and behold, these children have collagen vascular diseases. And unless someone is in there who has the concern to advocate for this child and look at the whole total child, you are going to make the wrong diagnosis and you are not going to address the whole problem. And it is not going to be efficient in terms of the dollars spent.

Senator FOWLER. Senator Kohl.

Senator KOHL. I am interested—we are all interested in how to get the job done and how the process works, and you are suggesting, and you are right, the system is overwhelmed, we do not have the people or the resources to get the job done. I do not think anybody sitting at the table feels we do not have the knowledge, I think all four of you feel that you have—and properly so—plenty of knowledge and plenty of experience and plenty of insights and plenty of ideas and programs that would improve the system immeasurably. But you do not have the funds. You do not have the public support that you need to get the job done.

Well what do we do in a democratic society when we come at a point like this where we have young people at risk who (a) do not vote and (b) have no money to contribute to campaigns to influence politicians, who make the policy decisions we are talking about. So how are we going to do more than move off the dime of having discussions like this, which are very illuminating, very important, and most necessary—how do we move in a significant way in Georgia and in this country from the discussion to the kind of action that we are talking about. Just for example, the reauthorization of the OJJDP which you have happily suggested is a very fine reauthorization effort, and I am very pleased to hear you say it. It is a 4-year reauthorization. I must tell you that in the first year, we found out a couple of weeks ago our reauthorization is from $75 to $78 million, so the reauthorization was for $3 million more—not for the State of Georgia, for the United States of America.

So how do we move this State and this country from where we are to where we want to get, given the fact that it is a democracy and we have people who vote and people who contribute, and neither of them are children?

Mr. MCDEVITT. Let me share with you the latest publication from the Center for the Study of Youth Policy, Dr. Ira Schwartz' study. They asked citizens around the country what they thought was necessary to improve the system. And some of the findings here is that the public feels that the main purpose of the juvenile court should be to rehabilitate law violators. This is quite the contrary from all the discussion about "hang them up by their thumbs." Depending on the crime, 50 percent, almost 70 percent of the public, favor trying juveniles who commit serious crimes in adult courts. The public does not favor giving juveniles the same sentences as adults, nor do most citizens support sentencing juveniles to adult prisons. If given the option, the public would strongly favor a youth incarceration system that largely emphasizes the use of community-based treatment programs. The public prefers spending State juvenile crime control funds on community-based programs as compared to State training schools and other residential services. And it goes on. And I will make copies available to both of you.

I think that we have got some old notions about things that we just have to let go of, Senator. I think that we have to stop assuming that the public really will not support change. I think that the public will support change. I think one of the previous speakers here said that what we need is leadership and I think that is what has been lacking. I think we have just gone along and done the familiar because it is easier to do it that way than it is to change, and I think somebody has to really articulate and motivate the kind of change that I think in our bones we all really want.

So I think, Senator, that here in Georgia, if Commissioner Napper and the Governor have the kind of support that they need, I think that we are on the brink of some real reform and I think that with that reform, that what we ought to do is beat the band all over the country and say that if Georgia, deep in the South, can change its mind about the way it handles kids. then anybody can.

Judge JOHNSON. Senator, let me suggest to you that although we want to make radical differences overnight, that I would suggest to

you that it is more along the lines of children's Legos, that you take a piece of it that makes sense and works, and then you interact and you build on it and you go from there. I think that there is one important link that we have talked about, that Dr. Maxey has talked about particularly with her important work as a pediatrician and also as a child advocate, but there is a critical link—as a footnote I want to share with you—that we cannot overlook between what is happening in our foster care system in this country with deprived children who are coming through the court system abused and neglected. Too many of those children are not getting the kind of support that they need and then are consequently ending up on the other side of the court system as deprived children. I kind of leave that there, that is another topic for another time, but something that I think that the committee really has to factor in as they are looking at this.

But I think that there are pieces of this that we can start doing. For instance, I would strongly suggest that the Federal Government look at ways of insisting that people become more creative about early intervention as a function of getting money for these grants, that they look at what we can do to begin to break that cycle. A good example of that was when the Atlanta Bar Association came and said we are willing to help you. If you had 200 lawyers that would come into juvenile court, how can we help you. And everybody thought that that was absolutely crazy to take that resource and use it on the truancy project. But my theory being that if I can get to that child early enough on while he is truant, in a way that we can effect some change before he penetrates the system, then we have made a remarkable difference. The knee jerk reaction would be to take 100 lawyers and put them on your felony cases. I chose not to do that because at some point, you have got to just say time out, we have got to begin to refocus on the front end.

My last quick comment is that—and again, I admit that I am new at this. I just passed my second anniversary on the bench, but I will tell you that the most effective programs I have seen since I have been there have been programs that involve parents or surrogates in instances where we do not have parents. That we cannot just talk about what we are going to do to fix this child in isolation, but the programs where children and their parents or surrogate come in the evenings and come and get involved in counseling, I have seen the most dramatic changes.

Senator FOWLER. Last word.

Mr. MCDEVITT. One comment. I wanted to state that I would be real happy if we were able to provide the services that we all talk about, but the reality is that we are not providing the services that we are talking about. One thing I would ask you two gentlemen to work on is strengthening due process rights of children that get involved with the criminal courts. Make sure that they cannot be contained unless there is serious public risk because adults are getting out on streets for far worse crimes than our children are, are simply posting bail and our kids are being locked up. I think the level of defense attorneys assigned to children is a disgrace, a national disgrace. No one here has mentioned the poor quality of services that these kids get in court, and I think that what we can

do to strengthen the decision of the Supreme Court that says that children are entitled to the same due process rights as adults, and they are not getting it.

Senator FOWLER. Thank you all for your public service, No. 1, to a large degree in your private capacities. This was very helpful to me and I am sure I speak for Senator Kohl. We have gotten a healthier appreciation of the enormity of the problem.

I must say at the Federal level that we—a little quick mention and then I will let Senator Kohl end up—I thank him again for his leadership in the reauthorization of the act.

Judge JOHNSON. Absolutely. [Applause.]

Senator FOWLER. For my part, on the health issue, I want to say I am doing my best in several areas of childhood immunizations where we have allowed tuberculosis and measles and other diseases that we thought we had defeated and we know how to keep defeated, come back because of cutbacks and being penny-wise and pound-foolish, which has complicated a lot of health and children's issues, not only in the cities but throughout the rural part of the State. We will win that one next year.

I want to thank Coretta Scott King and Jawana Jackson, Dr. Quincy, and all of the staff here at the King Center for allowing us to hold this official hearing here. Lydia Jackson, Pete Colberson of the Coordinating Council, a lot of people it takes just to do something simple like having a good discussion on public policy. We are very, very grateful.

Senator KOHL. Thank you. Well thank you, Senator Fowler, for allowing me to come down here and have the opportunity to experience the quality of people who have testified here today. I have had seven or eight different hearings and I can honestly say that I have not heard as many qualified people sitting at a table at these hearings that I have had as I have today, and I have learned an awful lot from them and from you.

I appreciate Senator Fowler's support. He has worked with me on this bill. He cares deeply about the problems. He has made a big contribution to the bill. He has promised me that he is going to work awfully hard to see to it that it does receive the kind of appropriation that we are seeking at the appropriations level where Senator Fowler works. So in all respects, I think it is a day well spent for me and for you I hope, and for all of us here. So I am pleased that I made the effort to come here. I think I have learned an awful lot.

Senator FOWLER. Thank you, Herb, so much.

We stand adjourned. [Applause.]

[Whereupon, at 3:30 p.m., the subcommittee adjourned.]

○

72-540 (88)

ISBN 0-16-041627-2

90000

9 780160 416279

85